



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 3]
No. 3]

नई दिल्ली, शनिवार, जनवरी 16, 1999/पौष 26, 1920
NEW DELHI, SATURDAY, JANUARY 16, 1999/PUSA 26, 1920

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कामिक, लोक-शिकायत तथा पेंशन मंत्रालय

(कामिक और प्रशिक्षण विभाग)

नई दिल्ली, 1 जनवरी, 1999

का.आ. 113.—केन्द्रीय सरकार, एतद्वारा दिल्ली विशेष पुलिस-स्थापना-अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (i) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, प्रो. पी. संख्या 13411/97—V में केरल के माननीय न्यायालय के दिनांक 11-06-98 के आदेश के अनुसार दिनांक 9-9-1998 गृह (जे) विभाग की अधिसूचना सं. 37532/जे 2/98/गृह द्वारा मिली केरल राज्य सरकार की सहमति से, श्री मनक की अस्वाभाविक मृत्यु के संबंध में भारतीय दण्ड संहिता, 1860 की धारा 302 के तहत, दण्डनीय अपराध के संबंध में केरल के जिला त्रिशूर मधीलकम पुलिस थाना में दर्ज अपराध संख्या 232/96 के संबंध में तथा उपर्युक्त अपराध और किसी अन्य अपराध/

अपराधों से संबंधित प्रयत्न, वृद्धि और षड्यंत्र तथा वेले ही संभवहार के अनुक्रम में किए गए अपराध उन्हीं नधियों से उद्भूत किसी अन्य अपराध/अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण केरल प्रदेश के संबंध में करती है।

[सं. 228/44/98-ए वी डी II]
हरि सिंह, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSION

(Department of Personnel & Training)

New Delhi, the 1st January, 1999

S.O. 113.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government with the consent of the State Government of Kerala vide Home (J) Department's Notification No. 37532/J2]

98|Home dated 9-9-1998 issued as per the order dated 11-6-1998 of the Hon'ble High Court of Kerala in O.P. No. 13411/97-V, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Kerala for the investigation of offence punishable under section 302 of the Indian Penal Code, 1860 of Crime No 232/96 of Police Station Mathilakam, District Trissur, Kerala relating to the unnatural death of Shri Maaaf and attemp, abetment and conspiracy in relation to or in connection with offence mentioned above and any other offence or offences committed in the course of the same transactions or arising out of the same facts.

[No. 228/44/98-AVD. II]
HARJ SINGH, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 1 जनवरी, 1999

का.आ. 114—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के खंड (ड) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, श्री जगदेव सिंह रोशा, लिपिक, पंजाब एंड सिंध बैंक, शाखा कार्यालय, जनपथ, नई दिल्ली को दिनांक 01-01-1999 से 31-12-2001 तक तीन वर्ष की अवधि के लिये या जब तक वे पंजाब एंड सिंध बैंक के एक कर्मकार कर्मचारी के रूप में अपनी सेवा छोड़ नहीं देते हैं, इनमें से जो भी पहले हो, पंजाब एंड सिंध बैंक के निदेशक बोर्ड में निदेशक नियुक्त करती है।

[फा.सं. 15/5/95-आई.आर.]

सी.बी. प्रसाद, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 1st January, 1999

S.O. 114.—In pursuance of clause (c) of Sub-section 3 of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with Sub-clause (1) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints Shri Jagdev Singh Rosha, Clerk, Punjab and Sind Bank, BO : Janpath, New Delhi as a Director on the Board of Directors of Punjab & Sind Bank for a period of three years with effect from 1-01-1999 to 31-12-2001 or until he ceases to be a workman/employee of Punjab & Sind Bank whichever is earlier.

[F. No. 15/5/95-IR]

C. B. PRASAD, Under Secy.

नई दिल्ली, 4 जनवरी, 1999

का.आ. 114 केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, संलग्न अनुबंध में निम्नलिखित बैंकों के सूचीबद्ध कार्यालयों/शाखाओं को, जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यमाध्यम ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

क्रम बैंक का नाम सं.	कार्यालयों, शाखाओं की संख्या
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1. कारपोरेशन बैंक	24 (6 + 7 + 7 + 4)
2. राष्ट्रीय कृषि और ग्रामीण विकास बैंक	01
3. बैंक आफ बड़ौदा	17
4. बैंक आफ इंडिया	79
5. पंजाब नेशनल बैंक	32
6. यूनियन बैंक आफ इंडिया	15
	168

[फा. सं. 11016/2/98-हिन्दी]

रमेश बाबू अणियेरी, उपनिदेशक (राजभाषा)

अनुबंध

1. कारपोरेशन बैंक,
1 मंजिल, तेल्लिरेतु चेम्बर्स,
सरकारी अस्पताल के पास,
पी. बी. सं. 81.
पत्तनमतिट्टा-689 645
पत्तनमतिट्टा -जिला, केरल
2. कारपोरेशन बैंक,
कारपोरेशन बैंक बिल्डिंग,
चेरुटी रोड,
पी. बी. सं. 1131,
कोषिकोड-673 032
3. कारपोरेशन बैंक,
सी.एस.ए. कम्मशिवन सेन्टर,
वेकर जंक्शन,
पी. बी. सं. 118,
कोट्टयम-686 001,
केरल

4. कार्पोरेशन बैंक
टी. सी. 25/298
पी. बी. सं. 131,
तिरुवनन्तपुरम-695 001
5. कार्पोरेशन बैंक,
पात्तिरापल्ली, डा. घ.,
चेट्टीकाड-688 521
अलपुषा जिला,
केरल
6. कार्पोरेशन बैंक,
डा. पे. सं. 57,
वरम्पत्त बिल्डिंग्स,
फॉस जंक्शन,
तिरुवल्ला-689 101
पत्तनमनिट्टा जिला,
केरल
7. क्षेत्रीय कार्यालय
कर्नाटक—1, उडुपि
कार्पोरेशन बैंक भवन
पो. बा. सं. 64
राजाजी मार्ग
उडुपि—576 101
8. अस्ति वसूली प्रबंधन शाखा
भूमि तल
मुनिसिपल कार्पोरेशन बिल्डिंग
लाल बाग, एम. जी. रोड
मंगलूर—575 002
9. अनिवासी भारतीय शाखा
होली रोजेरी कान्वेंट कॉम्प्लेक्स
जेप्पु, मंगलूर—575 002
10. दूपवकट्टे शाखा
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कार्कला तालुक
11. अलंगार शाखा
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मूडबिद्री—574 227
कार्कला तालुक
12. कुंदापुर शाखा
“गुरुप्रसाद”, मेन रोड,
पो. बा. सं. 11
कुंदापुर—576 201
13. मल्पे शाखा
पोर्ट रोड
पो. बा. सं. —6
मल्पे—576 118
14. कार्पोरेशन बैंक
साउथ इंड रोड
मिल कान्नूर, ग्रेपाद्रिपुरम डा. घ.
मल्लेश्वरम्
बेंगलूर—560 020
बेंगलूर
15. कार्पोरेशन बैंक
1074/एच, 5 वां फ़ास
एच. ए. एल., 11 स्टेज
के. ई. बी. क्वाटर्स के सामने
इंदिरानगर
बेंगलूर—560 008
कर्नाटक
16. कार्पोरेशन बैंक
721, 7 वां मैन
महालक्ष्मी ले आउट
बेंगलूर—560 086
कर्नाटक
17. कार्पोरेशन बैंक
सं. 1796/बी, 6 वां मैन
9वां फ़ास, आर. पी. सी. ले आउट
विजयनगर
बेंगलूर—560 040
कर्नाटक
18. कार्पोरेशन बैंक
मुन्ना तिजोरी
सं. 114, महात्मा गांधी रोड
बेंगलूर—560 001
कर्नाटक
19. कार्पोरेशन बैंक
लेखा अनुभाग
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सं.-1, क्वीन्स रोड
डा. पे. सं. 5460
बेंगलूर—560 001
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20. कार्पोरेशन बैंक
वसूली एवं भुगतान सेवा के
चौथी मंजिल
आन्ध्र प्रभा बिल्डिंग
सं. 1, क्वीन्स रोड
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21. कार्पोरेशन बैंक
44, एस. बी. पी. मार्ग (किंगस्वे)
नागपुर—440 001
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22. कार्पोरेशन बैंक
2023/सी वार्ड,
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23. कार्पोरेशन बैंक
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आर एस नं. 322, प्लॉट सी व डी,
टाटा पेट्रोल पम्प के पास,
सांगली—416 416 सांगली जिला
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24. कार्पोरेशन बैंक
'लक्ष्मी निवास'
151/2, रविवार पेड,
कन्न। चौक के पास, डा. पे. सं. 508,
शोलापुर 413 005
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25. राष्ट्रीय कृषि और ग्रामीण विकास बैंक
प्रधान कार्यालय
स्टीलिंग सेंटर, शिवसागर इस्टेट
डा. एनी बेसेंट रोड
पोस्ट बाक्स नं.—6552
वर्ली, मुंबई—4000 018
1. बैंक ऑफ बड़ौदा
विशिष्टीकृत लघु उद्योग शाखा,
राजेन्द्र भवन, राजेन्द्र प्लेस,
नई दिल्ली—110 008
2. बैंक ऑफ बड़ौदा
राम मनोहर लोहिया हॉस्पिटल शाखा
बाबा खड़क सिंह मार्ग
नई दिल्ली—110 001
3. बैंक ऑफ बड़ौदा
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प्लॉट नं.—12, अजनारा काम्प्लेक्स
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4. बैंक ऑफ बड़ौदा
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निर्माण भवन
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5. बैंक ऑफ बड़ौदा
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8. बैंक ऑफ बड़ौदा
मरैना शाखा
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मुरैना
(मध्य प्रदेश)
9. बैंक ऑफ बड़ौदा
राजनांव गांव शाखा,
लालाजी भवन, सिनेमा लाइन,
कृष्ण टाकीज के पास,
राजनाद, गांव (मध्य प्रदेश)
10. बैंक ऑफ बड़ौदा
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202/1, गंगा-जमुना काम्प्लेक्स,
महाराणा प्रताप नगर,
भोपाल—462 011
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11. बैंक ऑफ बड़ौदा
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12. बैंक ऑफ बड़ौदा
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13. बैंक ऑफ बड़ौदा
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14. बैंक ऑफ बड़ौदा
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ता. : बागरा,
जिला : भरुच
(गुजरात)
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1. बैंक ऑफ इंडिया
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मेन रोड, उलियन,
कदमा, जमशेदपुर,
बिहार—831 005
2. बैंक ऑफ इंडिया
क्षेत्रीय कार्यालय
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मेन रोड, रांची
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बिहार (उत्तर)
3. बैंक ऑफ इंडिया
श्रीकृष्ण नगर शाखा
एम-22, रोड नं. 25,
श्रीकृष्ण नगर
पटना—800 001
4. बैंक ऑफ इंडिया
लघु उद्योग बोकारो स्टील सिटी शाखा
प्लॉट नं. ई 1-7, प्रथम तल,
सिटी सेंटर, बोकारो स्टील सिटी,
जिला बोकारो
बिहार—827 001
पुणे अंचल
5. बैंक ऑफ इंडिया
पंचवटी शाखा
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पंचवटी, नासिक—3
6. बैंक ऑफ इंडिया
एम. हॉर्ई. डी. सी. सिन्नर शाखा
सीएफसी बिल्डिंग, एम. ओ. बसाहल,
सिन्नर, भोलेगांव,
जिला नासिक—422 103
7. बैंक ऑफ इंडिया
वारजे मालुवाडी शाखा
मु. वारजे राष्ट्रीय महामार्ग क्र. 4,
बायफ कपाउंड सं. 134/1
पुणे—411 029
8. बैंक ऑफ इंडिया
बारामती शाखा
नगर परिषद शांतिग कॉम्प्लेक्स,
इंद्रापुर चौक, एसटी स्टैंड के पास,
बारामती, पुणे—413 102
9. बैंक ऑफ इंडिया
खेड शाखा
पो. खेड, ता. खेड,
जिला रत्नागिरी—415 709
10. बैंक ऑफ इंडिया
बांदा एमजीपी चौक
पो. बांदा “यशगंधा”
ता. सावंतवाडी, जिला सिंधुदुर्ग
11. बैंक ऑफ इंडिया
गांवभाग शाखा
गोखले कॉम्प्लेक्स,
मारुती चौक,
सांगली—416 416
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12. बैंक ऑफ इंडिया
रूपासगोरी शाखा
ग्राम एवं डाकघर—रूपासगोरी,
हावड़ा—711 312

13. बैंक ऑफ इंडिया
डिग्रई घाट
ग्राम एवं डाकघर—बारादिघई
दुगली 712 411
14. बैंक ऑफ इंडिया
पूर्वरामनगर शाखा
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दुगली 712 411
15. बैंक ऑफ इंडिया
बकचोरा बाजार शाखा
डाकघर—नूरपुर
बरास्ता भेनिया
जिला उत्तर 24 परगना
पश्चिम बंगाल 743 502
16. बैंक ऑफ इंडिया
गंधर्वपुर शाखा
ग्राम व डाकघर—गंधर्वपुर
बरास्ता कटियाहाट
जिला उत्तर 24 परगना
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17. बैंक ऑफ इंडिया
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ग्राम पानपुकर, डाकघर भांगोर
जिला दक्षिण 24 परगना
पश्चिम बंगाल 745502
18. बैंक ऑफ इंडिया
वेउलीडाटखोला शाखा
ग्राम एवं डाकघर—वेउली
बरास्ता—भोगार,
जिला दक्षिण 24 परगना
पश्चिम बंगाल 743 502
19. बैंक ऑफ इंडिया
सरबेरिया शाखा
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20. बैंक ऑफ इंडिया
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साल्ट लेक सिटी, डीडी-2, सेक्टर-1
साल्ट लेक, कलकत्ता 700 064
21. बैंक ऑफ इंडिया
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32 स्टेशन रोड
डाकघर बनपुर, जिला बर्दवान
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22. बैंक ऑफ इंडिया
कटजूरीडांगा शाखा
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जिला बांकुडा, पश्चिम बंगाल
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दोमोहानी शाखा
डाकघर दोमोहानी बाजार
जिला बर्दवान, पश्चिम बंगाल
23. बैंक ऑफ इंडिया
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24. बैंक ऑफ इंडिया
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जिला बर्दवान, पं. बंगाल 713 342
25. बैंक ऑफ इंडिया
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मुखर्जी हाऊस, टेक्निकल स्कूल बिल्डिंग
फतेहपुर रोड, डाकघर चित्तरंजन
जिला बर्दवान, पश्चिम बंगाल 713 331
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26. बैंक ऑफ इंडिया
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सुनाबडा मिलन मार्केट
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27. बैंक ऑफ इंडिया
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जिला मयूर भंज, उड़ीसा-757 045
28. बैंक ऑफ इंडिया
बोडी शाखा
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जिला कालाहाण्डी, उड़ीसा 767 036
29. बैंक ऑफ इंडिया
आखुआपदा शाखा
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30. बैंक ऑफ इंडिया
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बस्ता रोड, जिला बालेश्वर
उड़ीसा 756 029

31. बैंक ऑफ इंडिया
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जिला—बालेश्वर
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32. बैंक ऑफ इंडिया
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जिला गंजाम
उड़ीसा-761005

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33. बैंक ऑफ इंडिया
नई दिल्ली (लघु उद्योग) शाखा
डी-4 उद्योग नगर, इंडस्ट्रियल एरिया
रोहतक रोड, नांगलोई, नई दिल्ली-41

34. बैंक ऑफ इंडिया
नई दिल्ली सेवा शाखा
एच-17 कन्नाट सर्कस
नई दिल्ली-110001

35. बैंक ऑफ इंडिया
जयपुर सेवा शाखा
दूसरी मंजिल 66 पनसारी चेम्बर,
जोहरी बाजार, जयपुर-302 002

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36. बैंक ऑफ इंडिया
फिरोजपुर शाखा
मालवाल रोड, उद्यम सिंह चौक,
फिरोजपुर, पंजाब-152 002

37. बैंक ऑफ इंडिया
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38. बैंक ऑफ इंडिया
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39. बैंक ऑफ इंडिया
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स्ट्रीट नं. 13, अवतार नगर
जालंधर-144003

40. बैंक ऑफ इंडिया
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तेज काम्पेक्स, रोशन रोड,
होशियार पुर 146 001

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क्रियान भवन, 10/50/50, रामनगर
वाल्टेयर मेन रोड,
विशाखापटनम-530 002

42. बैंक ऑफ इंडिया
क्षेत्रीय कार्यालय
पी.टी. आई. विन्डिंग पहली मंजिल,
1-10-1199/2 एस.आई. गार्ड्स,
हैदराबाद-500 004

43. बैंक ऑफ इंडिया
आस्ति वसूली शाखा
59-30/31 से 34, दूसरी मंजिल
न्यू एमएलए. क्वार्टर्स लेन,
बगीर बाग, हैदराबाद-500029

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21/316, पहली मंजिल
एसएफएस, स्ट्रीट
गोकुल लॉडज के पास,
कडप्पा-516 001

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45. बैंक ऑफ इंडिया
कच्छ एन आर आई शाखा
एनके टायर्स पहली मंजिल
जिला पंचायत भवन के सामने
भुज कच्छ, गुजरात-370001

46. बैंक ऑफ इंडिया
कच्छ क्षेत्रीय कार्यालय
गोल्डन पैलेस, पहली मंजिल
19, विजय नगर, जुवली ग्राउण्ड के पास,
भुज, कच्छ-370001

47. बैंक ऑफ इंडिया
आस्ति वसूली शाखा
दूसरी मंजिल बैंक ऑफ इंडिया भवन,
स्वास्तिक सोसायटी,
चार राम्ता नवरंगपुरा,
अहमदाबाद-380001

48. बैंक ऑफ इंडिया,
क्षेत्रीय कार्यालय
बैंक ऑफ इंडिया भवन,
पांचवी मंजिल,
पोस्ट वाक्स नं. 8, भद्रा,
अहमदाबाद-380001

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अंलगुड शाखा,
यू.सी. कालेज, पोस्ट आलूवा
जिला एर्णाकुलम, केरल-683102
50. बैंक ऑफ इंडिया,
कालेज ग्राउंड्स शाखा,
पो.बा. नं. 1088,
एम.जी. रोड, एर्णाकुलम,
कोची-682011
51. बैंक ऑफ इंडिया
एर्णाकुलम एन आर आई शाखा
कोलिस एस्टेट, रविपुरम,
एम.जी. रोड, एर्णाकुलम-682016
52. बैंक ऑफ इंडिया,
कालडी शाखा,
पो.बा. नं. 9 कालडी
बरास्ता आलूवा,
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53. बैंक ऑफ इंडिया
कलमरशेरी (दक्षिण) शाखा
पो.बा. नं. 3 डाकघर यूनिवर्सिटी
कलमरशेरी दक्षिण, कोची
केरल-682022
54. बैंक ऑफ इंडिया
कून्ममावु शाखा
कून्ममावु जिला एर्णाकुलम,
केरल-683518
55. बैंक ऑफ इंडिया
कुसुप्पम्पाडी, जिला एर्णाकुलम
केरल-683545
56. बैंक ऑफ इंडिया,
मन्नूर शाखा
मन्नूर, कीथिलम, डाकघर,
जिला एर्णाकुलम, केरल-683541
57. बैंक ऑफ इंडिया
मरडु शाखा, मरडु
जिला एर्णाकुलम, केरल-682304
58. बैंक ऑफ इंडिया
मरम्पल्ली शाखा
डाकघर मरम्पल्ली, आलूवा
जिला एर्णाकुलम, केरल-683105
59. बैंक ऑफ इंडिया
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मतकुशम, जिला एर्णाकुलम,
केरल-683516
60. बैंक ऑफ इंडिया
मूवाट्टापुषा, जिला एर्णाकुलम
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61. बैंक ऑफ इंडिया
पलीलपुरम शाखा
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62. बैंक ऑफ इंडिया
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परवूर मेन रोड, जिला एर्णाकुलम,
केरल-683513
63. बैंक ऑफ इंडिया
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64. बैंक ऑफ इंडिया
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65. बैंक ऑफ इंडिया
तिरुवणियूर शाखा
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केरल-682323
66. बैंक ऑफ इंडिया
उद्योगमंडल शाखा, पो.बा. नं. 12
उद्योग मंडल, जिला एर्णाकुलम,
केरल-683501
67. बैंक ऑफ इंडिया
वडकेकरा शाखा
वडकेकरा, जिला एर्णाकुलम
केरल-683522
68. बैंक ऑफ इंडिया
वालक्कम शाखा,
वालक्कम, बरास्ता कुन्नाकल,
जिला एर्णाकुलम, केरल-682316
69. बैंक ऑफ इंडिया
चेवूर शाखा
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केरल-680027
70. बैंक ऑफ इंडिया
गुस्वायूर शाखा
पो.बा.नं. 12, गुस्वायूर
जिला तुशूर, केरल-680101

71. बैंक ऑफ इंडिया
कंडरशान्कडु शाखा
कंडरशान्कडु जिला तुशूर,
केरल-680613
72. बैंक ऑफ इंडिया
नंदीक्करा शाखा
नंदीक्करा, जिला तुशूर,
केरल-680613
73. बैंक ऑफ इंडिया
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74. बैंक ऑफ इंडिया
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पो.बा. नं. 801, एम.जी. रोड,
तुशूर, केरल-680004
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75. बैंक ऑफ इंडिया
मुम्बई कारपोरेट बैंकिंग शाखा
श्रीश्री मंजिल,
बैंक ऑफ इंडिया बिल्डिंग,
76. बैंक ऑफ इंडिया
विशेष आस्तित्वमूली प्रबन्धन शाखा
77. दरबारा हाऊस,
नरोत्तम मोरारजी मार्ग,
बल्लार्ड एस्टेट,
मुम्बई-400038
78. बैंक ऑफ इंडिया
मुम्बई उच्च तकनीकी कृषि वित्त शाखा
पहली मंजिल, बैंक ऑफ इंडिया बिल्डिंग
78-80, एम.जी. रोड
मुम्बई-400023
79. बैंक ऑफ इंडिया
शिवाजी पार्क लघु उद्योग शाखा
हन्वर्धन, को. ऑफ. हाउसिंग सोसायटी
आउण्ड फ्लोर, पद्मासाई ठाकुर रोड,
कोहीनूर मिल नं. 3 के पास
मुम्बई-400016
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 1. पंजाब नेशनल बैंक
शा.का.बी.टी. गंज
जिला रुड़की,
हरिद्वार (उ. प्रदेश)
 2. पंजाब नेशनल बैंक
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जिला रुड़की
हरिद्वार (उ. प्रदेश)
 3. पंजाब नेशनल बैंक
अग्रणी बैंक कार्यालय
जिला हरिद्वार (उ. प्रदेश)
 4. पंजाब नेशनल बैंक
जिला समन्वय कार्यालय
पौड़ी, जिला गढ़वाल
(उ. प्रदेश)
 5. पंजाब नेशनल बैंक
क्षेत्रीय कार्यालय
जिला हरिद्वार (उ. प्रदेश)
 6. पंजाब नेशनल बैंक.
शा.का. सेक्टर 5,
पंचकुला, जिला पंचकुला,
चण्डीगढ़
 7. पंजाब नेशनल बैंक
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अम्बाला छावनी,
जिला अम्बाला,
चण्डीगढ़
 8. पंजाब नेशनल बैंक
शा.का. कैसल लाइंस, अंबाला
छावनी, जिला अंबाला
चण्डीगढ़
 9. पंजाब नेशनल बैंक
शा.का. अग्रसेन चौक,
जगाधरी, जिला यमुनानगर
चण्डीगढ़
 10. पंजाब नेशनल बैंक
क्रिश्चियन अस्पताल, जगाधरी
जिला यमुना नगर
चण्डीगढ़
 11. पंजाब नेशनल बैंक
शाखा कांठ रोड,
मुरादाबाद,
उत्तर प्रदेश
 12. पंजाब नेशनल बैंक
शा.का. धरौडा
जिला करनाल
हरियाणा

- | | |
|--|--|
| 13. पंजाब नेशनल बैंक
शा.का. से. 7 करनाल
जिला करनाल
हरियाणा | 24. पंजाब नेशनल बैंक
शा.का. बवानी खेड़ा
जिला भिवानी
हरियाणा |
| 14. पंजाब नेशनल बैंक
शा.का. तरावड़ी
जिला करनाल
हरियाणा | 25. पंजाब नेशनल बैंक
शा.का. आदमपुर
जिला हिमार्,
हरियाणा |
| 15. पंजाब नेशनल बैंक
शा.का. अमन्ध रोड, पानीपत
जिला पानीपत, हरियाणा | 26. पंजाब नेशनल बैंक
शा.का. डाबरा चौक, हिमार्
जिला : हिमार्
हरियाणा |
| 16. पंजाब नेशनल बैंक
शा.का. नीसिंग, करनाल
जिला करनाल, हरियाणा | 27. पंजाब नेशनल बैंक
शा.का. मोडा खेड़ा
जिला हिमार्
हरियाणा |
| 17. पंजाब नेशनल बैंक
शा.का. यमुना कालोनी
देहरादून (उ. प्रदेश) | 28. पंजाब नेशनल बैंक
शा.का. बड़सी गेट, हांसी
जिला : हिमार्
हरियाणा |
| 18. पंजाब नेशनल बैंक
शा.का. फूलचन्द नारी शिल्प
मंदिर, टैगोर बिला,
चकराता रोड, देहरादून
(उ. प्रदेश) | 29. पंजाब नेशनल बैंक
शा.का. सरसौद
जिला हिमार् हरियाणा |
| 19. पंजाब नेशनल बैंक
शा.का. दौलतपुर
जिला ऊना
(हिमाचल प्रदेश) | 30. पंजाब नेशनल बैंक
शा.का. मंगाला,
जिला सिरसा
हरियाणा |
| 20. पंजाब नेशनल बैंक
शा.का. अम्ब
जिला ऊना
(हिमाचल प्रदेश) | 31. पंजाब नेशनल बैंक
शा.का. जमाल
जिला सिरसा
हरियाणा |
| 21. पंजाब नेशनल बैंक
शा.का. गगरेट
जिला ऊना
हिमाचल प्रदेश | 32. पंजाब नेशनल बैंक
शा.का. चांदनी चौक सिरसा
जिला सिरसा
हरियाणा |
| 22. पंजाब नेशनल बैंक
शा.का. नान्धा,
जिला भिवानी
हरियाणा | |
| 23. पंजाब नेशनल बैंक
शा.का. घंटाघर, भिवानी
जिला भिवानी,
हरियाणा | |

यूनियन बैंक ऑफ इंडिया

राजभाषा नियम 10(4) में अधिशूचित संस्तुति-शाखाओं की सूची

- गोपालपट्टनम शाखा,
डी.नं. 9-333-1, प्रथम तल,
शंकर बिग्टर के पास, मेन रोड,
गोपालपट्टनम, विशाखापट्टनम,
आंध्र प्रदेश 590027

2. रामतापुर शाखा,
3-10-4/1, गोखले नगर,
रामतापुर, हैदराबाद-500013
आंध्र प्रदेश
3. जे.पी. नगर शाखा,
नं. 4 और 5, पहली मंजिल
100 फिट रिंग रोड,
6वां फेज, जे.पी. नगर,
बेंगलूर-59 0078
4. हेन्नूर मेन रोड (बेंगलूर) शाखा,
नं. 382/2491,
मरियप्पा सर्कल के पास
(जलवायू-बिहार के सामने),
काचरकनहल्ली बेंगलूर-560043
5. चन्नपट्टणा शाखा,
नं. 2228, पहली मंजिल,
पदमश्री काम्प्लेक्स,
बेंगलूर-मैसूर रोड,
चन्नपट्टणा-571501,
"बेंगलूर जिला
6. कनकपुरा शाखा
के.एच. सर्कल,
कोडिहल्ली रोड, कनकपुरा-562117
बेंगलूर जिला
7. एस एस बी शाखा,
मुभाष चौक, कटनी
जिला जबलपुर,
मध्य प्रदेश-483501
8. एम एस बी शाखा,
कटरा बाजार, सागर,
मध्य प्रदेश-470002
9. नेप्थर टाउन शाखा,
गुरुनानक मोर्कट,
रसोल चौक, जबलपुर,
मध्य प्रदेश-48 2001
10. एम एस बी शाखा,
गोपाल बाग, पो.बा. नं. 212
बलदेव बाग, जबलपुर,
मध्य प्रदेश-482002
11. विशिष्ट बचत बैंक शाखा,
सिविल लाइन्स, जौनपुर
12. विशिष्ट बचत बैंक शाखा,
शाहगंज, जिला-जौनपुर

13. विशेषीकृत बचत बैंक शाखा,
प्लॉट नं. बी-1,
मिटी सेन्टर, बी एस मिटी
जिला-बोकारो (बिहार)
14. विशेषीकृत बचत बैंक शाखा,
कालीमाटी रोड,
टिस्को होल्डिंग नं. 474
पोस्ट साकची,
तहसील-जमशेदपुर,
जिला-सिंहभूम (पूर्व)
(बिहार)
15. लघु उद्योग शाखा,
मेन रोड, बिस्तपुर,
राम मन्दिर के सामने,
जमशेदपुर, जिला सिंहभूम (पूर्व)
(बिहार)

New Delhi, the 4th January, 1999

S.O.115.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use of official purposes of the Union) Rules, 1976 the Central Government, hereby, notifies the listed offices/ branches of the following banks in the attached annexure, more than 80% of the staff whereof have acquired the working knowledge of Hindi:—

S.No.	Name of the Banks	Number of Offices/ Branches
1.	Corporation Bank	: 24 (6+7+7+4)
2.	National Bank for Agri- culture & Rural Development	: 01
3.	Bank of Baroda	: 17
4.	Bank of India	: 79
5.	Punjab National Bank	: 32
6.	Union Bank of India	: 15
Total		168

[F.No.11016/2/98-Hindi]

RAMESH BABU ANIYERY, Dy. Director (O.L.)

ANNEXURE

1. Corporation Bank,
1st Floor, Thellirethu Chambers,
Near Govt. Hospital,
P.B. No. 31,
Pathanamigitta-689 645,
Pathanamigitta District,
Kerala.

2. Corporation Bank,
Corporation Bank Building,
Cherooty Road,
P.B. No. 1131,
Kozhikode-673 032.
3. Corporation Bank,
C.S.I. Commercial Centre,
Baker Junction,
P.B. No. 118,
Kottayam-686 001.
4. Corporation Bank,
TC 25/298,
P.B. No. 131,
Thiruvananthapuram-695 001.
5. Corporation Bank,
Pathirapally P.O.,
Chettikad-688 521,
Alappuzha District
Kerala.
6. Corporation Bank,
P.B. No. 57,
Varampath Buildings,
Cross Junction,
Thiruvalla-689 101,
Pathanamthitta District,
Kerala.
7. Regional Office,
Karnataka-I, Udupi,
Corporation Bank Bldg.,
P.B. No. 64,
Rajaji Marg,
Udupi-576 101.
8. Asset Recovery Management Branch,
Ground Floor,
Municipal Corporation Building,
Lalbagh, M.G. Road,
Mangalore-575 003.
9. NRI Branch,
Holy Rosary Convent Complex,
Jeppu, Mangalore-575 002.
10. Doopadakatta Branch,
P.O. Attur-574 120
Karkala Taluk.
11. Alangar Branch,
P.B. No. 3, Alangar,
Moodabidri-574 227,
Karkala Taluk.
12. Kundapur Branch,
"Guruprasad", Main Road,
P.B. No. 11,
Kundapur-576 201.
13. Malpe Branch,
Port Road,
P.B. No. 6,
Malpe-576 118.
14. Corporation Bank,
South End Road,
Mill Corner, Sheshadripuram P.O.
Malleswaram,
Bangalore 560 020,
Bangalore.
15. Corporation Bank,
1074/H, 5th Cross,
H.A.L. II Stage,
Opp. To K.E.B. Quarters,
Indiranagar,
Bangalore-560 008,
Karnataka.
16. Corporation Bank,
721, 7th Main
Mahalakshmi Layout
Bangalore-560 086
Karnataka.
17. Corporation Bank,
No. 1796/B, 6th Main,
9th Cross, R.P.C. Layout
Vijayanagar
Bangalore-560 040
Karnataka.
18. Corporation Bank,
Currency Chest,
No. 114, Mahatma Gandhi Road,
Bangalore-560 001.
Karnataka.
19. Corporation Bank,
Accounts Section
Fourth Floor, Andhra Prabha Building
No. 1, Queens Road,
P.B. No. 5460,
Bangalore-560 001.
Karnataka.
20. Corporation Bank,
Collection & Payment Service Centre,
4th Floor,
Andhra Prabha Building,
No. 1, Queens Road,
Bangalore-560 001.
Karnataka.
21. Corporation Bank
44, S.V.P. Marg, (Kingsway),
Nagpur-440 001
Maharashtra.
22. Corporation Bank
2023/C Ward,
Opp. Mahanagar Pailka, Mandai,
Shivaji Road, P.B. No. 48,
Kolhapur-416 002.
Maharashtra.
23. Corporation Bank,
Sangli-Miraj Road,
R. S. No. 322, Plot C & D,
Near Tata Petrol Pump,
Sangli-416 416 Sangli District,
Maharashtra.
24. Corporation Bank,
'Lakshmi Nivas',
151/2, Raviwar Peth,
Near Kanna Chowk, P.B. No. 508,
Sholapur-413 005,
Maharashtra.

1. National Bank for Agriculture and Rural Development
Head Office,
Sterling Centre, Shivsagar Estate,
Dr. Annie Besant Road
Post Box No. 6552
Worli, Mumbai-400018.

1. Bank of Baroda,
Specialised S.S.I. Br.
Rajender Bhawan, Rajender Place,
New Delhi-110 008.

2. Bank of Baroda,
Ram Manohar Lohia Hospital,
Baba Kharak Singh Marg,
New Delhi-110 001

3. Bank of Baroda,
Karkarduma (Savita Vihar),
Plot No. 12, Ajnara Complex,
Local Shopping Complex,
Karkarduma, Delhi-110 092

4. Bank of Baroda,
Nirman Bhawan Branch,
Nirman Bhawan,
New Delhi-110 011

5. Bank of Baroda,
Specialised High-Tech.
Agriculture Finance Br.
S.C.O.—91,
44/C, Chandigarh.

6. Bank of Baroda,
Dosarka,
Post Office—Dhin,
Ambala—Jaghadhari Road,
Distt.-Ambala-133 203.
(Haryana).

7. Bank of Baroda,
Sirsa Branch,
Bajaj Complex, Suratgharia Chowk,
Sirsa (Haryana), Pin-125 055.

8. Bank of Baroda,
Morena Branch,
Mill Area Road, Dutta Pura,
Morena (M.P.).

9. Bank of Baroda,
Rajnand Goan Branch,
Balaji Bhawan, Cinema Line,
Opp. Krishna Talkies, Rajnand Goan,
(M.P.).

10. Bank of Baroda,
Madhya Pradesh Zonal Office,
202/1, Ganga Jamuna Complex,
Maharana Pratap Nagar,
Bhopal-462 011.
(Madhya Pradesh)

11. Bank of Baroda,
Islam Nagar Branch,
Islam Nagar,
Distt. Bhopal,
(Madhya Pradesh)

12. Bank of Baroda,
Valmi Branch,
Valmi Campus,

Foolwari Sharief,
Patna-801 505.
Bihar

13. Bank of Baroda,
Irba Branch,
P.O. : Irba,
Distt. Ranchi,
Bihar.

14. Bank of Baroda,
Bokaro Steel Plant Branch,
P.O. : Bokaro Steel Gate,
Bokaro-821 001,
Bihar.

15. Bank of Baroda,
Kanke Branch,
Central Institute of Psychiatry,
Kanke-834 006
Distt. Ranchi.

“ख” क्षेत्र

“B” Region

16. Bank of Baroda,
Silwasa Branch,
Aadiwasi Bhawan,
Tokara Khara,
Silwasa-396 230
Dadra Nagar Haveli,

(Union Territory).

17. Bank of Baroda,
Dahej Branch,
Vill. : Dahej,
Tal : Wagra,
Distt. : Bharuch,
(Gujarat).

BIHAR (SOUTH)

1. Bank of India,
Uliyan Branch,
Main Road, Uliyan
Kadma, Jamshedpur,
Bihar-831 005.
2. Bank of India,
Regional Office,
Ranchi Region, Pradhan Towers,
Main Road, Ranchi,
Bihar-834 001.

BIHAR (NORTH)

3. Bank of India,
Shri Krishna Nagar Branch,
M-22, Road No. 25,
Shri Krishna Nagar,
Patna-800 001.
4. Bank of India,
S.S.I. Bokaro Steel City Branch,
Plot No. E-17, 1st floor,
City Centre, Bokaro Steel City,
Distt. Bokaro,
Bihar-827 001

PUNE ZONE

5. Bank of India,
Panchavati Branch,
Shramsmriti, Indrakud,
Nasik-422 003

6. Bank of India,
M.I.D.C. Sinner Branch,
C.F.C. Bldg., M.O. Uasahat,
Sinnar, Bhalegaon,
Distt. Nasik-422 103
7. Bank of India,
Varje Malvadi Branch,
Mumbai Uarje N. H. No. 4,
Bayaf Compound No. 134/1,
PUNE-411 029
8. Bank of India,
Baramati Branch,
Nagar Parishad Shopping Complex,
Indrapur Chowk, Near S. T. Stand
Baramati, Pune-413 102
9. Bank of India,
Khed Branch,
P.O. Khed, Taluk Khed,
Distt. Ratnagiri-415 709
10. Bank of India,
Banda MGP Chowk,
Post Office Banda "Yashgandha"
Taluk Sawantwadi, Distt. Sindhudurg.
11. Bank of India,
Gaonbhag Branch,
Gokhale Complex,
Maruti Chowk,
Sangli-416 416

EASTERN ZONE

12. Bank of India,
Rupasgari Branch,
Village & P. O. Rupasgari,
Howrah-711 312
13. Bank of India,
Digruighat Branch,
Village & P. O. Baradighat
Hoogli-712 411
14. Bank of India,
Purbarnagore Branch,
Vill. & P. O. Purbarnagore,
Hoogli-712 411
15. Bank of India,
Bokchora Branch,
P.O. Noorpur, Via Bhebia,
Distt. North 24 Parganas,
West Bengal-743 502
16. Bank of India,
Gandharbapur Branch,
Vill. & P.O. Gandharbapur,
Via—Kafiahat,
Distt. North 24 Parganas,
West Bengal-743 427
17. Bank of India,
Bhangore Bijoyganj Branch,
Vill. Panpukur, P.O. Bhangar,
Distt. South 24 Parganas,
West Bengal-743 502

18. Bank of India,
Deulihatkhota Branch,
Vill. & P.O. Deuli,
Via Bhangar,
Distt. South 24 Parganas,
West Bengal-743 502
19. Bank of India,
Sarberia Branch,
Vill. & P.O. Sarberia,
Distt. South 24 Parganas,
West Bengal-743 502
20. Bank of India,
Barasat Regional Office,
Salt Lake City, DD-2, Sector-1,
Salt Lake Calcutta-700 064
21. Bank of India,
Burnpur Branch,
32, Station Road,
P.O. Burnpur, Distt. Burdwan,
West Bengal-713 325
22. Bank of India,
Katjuridanga Branch,
Village Katjuridanga,
Distt. Bankura, West Bengal
23. Bank of India,
Domohani Branch,
P.O. Domohani Bazar,
Distt. Burdwan, West Bengal
24. Bank of India,
Gramkulti Branch,
Vill. & P.O. Gramkulti,
Via Hsobamondalai,
Distt. Burdwan,
West Bengal-712 148
25. Bank of India,
Kenda Branch,
New Kenda, New Kenda Colliery,
Vill. & P.O. Kenda,
Distt. Burdwan, West Bengal 713 342
26. Bank of India,
Chittaranjan Branch,
Mukharjee House, Technical School Bldg.,
Fatehpur Road, P.O. Chittaranjan,
Distt. Burdwan,
West Bengal-713 331

ORISSA ZONE

27. Bank of India,
Sunabeda Branch,
Milan Market,
Sector-11, HAL Township,
At & P.O. Sunabeda,
Distt. : Koraput Orissa-763 002
28. Bank of India,
At & P.O. Janda,
Distt. : Mayurbhanj Orissa-757 045
29. Bank of India,
Borda Branch,
At & P.O. Borda,
Distt. : Kalahandi Orissa-767 036

30. Bank of India,
Akhupada Branch,
At & P.O. Akhupada,
Distt. : Bhadrak, Orissa
31. Bank of India,
Basta Branch,
Basta Road. Distt. : Balasore,
Orissa-756 029,
32. Bank of India,
Turigadia Branch,
At & P.O. Turigadia,
Distt. : Balasore,
Orissa-756 047
33. Bank of India,
Jarada Branch,
At & P.O. Jaradagada,
Distt. Ganjam,
Orissa-761 005
- NORTHERN ZONE**
34. Bank of India,
New Delhi (S.S.I.) Branch,
D-4, Udhayog Area, Rohtak Road,
41, Nangloi, New Delhi-41
35. Bank of India,
New Delhi Service Branch,
H-17, Connaught Circus,
New Delhi-110001
36. Bank of India,
Jaipur Service Branch,
2nd Floor 66, Pansri Chamber,
Johri Bazar, Jaipur-302 002
- NORTH WESTERN ZONE**
37. Bank of India,
Ferozpur Branch,
Malwall Road, Udham Singh Chowk,
Ferozpur, Punjab-152 002
38. Bank of India,
Panipat SSI Branch,
G. T. Road, Panipat-132 103
39. Bank of India,
Navashahar Branch,
Kulam Road, Navashahar,
Jalandhar-144 514
40. Bank of India,
Avtar Nagar Branch,
Street No. 13, Avtar Nagar,
Jalandhar-144 003
41. Bank of India,
Hoshiarpur Branch,
Tej Complex, Roshan Road,
Hoshiarpur-146 001
- ANDHRA PRADESH ZONE**
42. Bank of India,
Regional Office,
Kishan Bhavan, 10/50/50 Ramnagar,
Waltair Main Road,
Visakhapatnam-530 002
43. Bank of India,
Regional Office,
P.T.I. Bldg. 1st floor,
1-10-1199/2 A. C. Guards,
Hyderabad-500 004
44. Bank of India,
Asset Recovery Branch,
5-9-30/31 to 34, 2nd Floor,
New MLA Quarters Lane,
Bashirbagh, Hyderabad-500 029
45. Bank of India,
Cuddappah Branch,
21/316, 1st Floor,
SFS Street,
Near Gokul Lodge,
Cuddappah-516 001
- GUJARAT ZONE**
46. Bank of India,
Kutch NRI Branch,
N. K. Towers, 1st Floor,
Opp. to Zila Panchayat Bhavan,
Bhuj Kutch, Gujarat-370 001
47. Bank of India,
Kutch Regional Office,
Golden Palace, 1st Floor,
19, Vijaynagar, Near Jubilee Ground
Bhuj Kutch-370 001
48. Bank of India,
Asset Recovery Branch,
2nd Floor, Bank of India Bldg.,
Swastic Society, Char Rasta,
Navrangpura, Ahmedabad-380 001
49. Bank of India
Regional Office,
Bank of India Bldg. 5th Floor,
Post Box No.-8, Bhadra,
Ahmedabad-380 001
- ERNAKULAM REGION**
50. Bank of India,
Alangad Branch,
U.C. College, P.O. Aluva,
Distt. Ernakulam, Kerala-683 102
51. Bank of India,
College Ground Branch,
P.B. No. 1088 M.G. Road,
Ernakulam, Kochi-682 011
52. Bank of India,
Ernakulam NRI Branch,
Colis Estate, Ravipuram,
M.G. Road, Ernakulam-682 016
53. Bank of India,
Kalady Branch,
P.O. No. 9, Kalady,
Via Aluva,
Distt. Ernakulam, Kerala-683 574
54. Bank of India,
Kalamassery (South),
P.O. No. 3, University F.O.
Kalamassery South,
Kerala-682 022.

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| 55. Bank of India,
Koonammaur Branch,
Koonammavu Distt. Ernakulam,
Kerala-683 518 | 70. Bank of India,
Chevoor Branch,
Chevoor, Distt. Thrissur,
Kerala-680 027 |
| 56. Bank of India,
Kuruppampadi Branch,
Distt. Ernakulam Kerala-683 545 | 71. Bank of India,
Guruvayoor Branch,
P.O. No. 12, Guruvayoor,
Distt. Thrissur, Kerala-680 101 |
| 57. Bank of India,
Mannoor Branch,
Mannoor, P.O. Kizhillaam,
Distt. Ernakulam, Kerala-683 541 | 72. Bank of India,
Kandassankadavu Branch,
Kandassankadavu, Distt. Thrissur,
Kerala-680 613 |
| 58. Bank of India,
Maradu Branch, Maradu
Distt. Ernakulam. Kerala-682 304 | 73. Bank of India,
Nandikkara Branch,
Nandikkara, Distt. Thrissur,
Kerala-680 613 |
| 59. Bank of India,
Marampally Branch,
P.O. Marampally, Aluva,
Distt. Ernakulam, Kerala-683 105 | 74. Bank of India,
Thrissur Branch, P.O. No. 64,
M. G. Road, Thrissur, Kerala |
| 60. Bank of India,
Moothakunnam Branch,
Moothakunnam, Distt. Ernakulam,
Kerala-683 516 | 75. Bank of India,
West Fort Branch,
P.O. No. 801, M. G. Road,
Thrissur, Kerala-680 004 |
| 61. Bank of India,
Muvathupuzha Branch, Muvattupuzha,
Distt. Ernakulam, Kerala-683 515 | MUMBAI NORTH ZONE |
| 62. Bank of India,
Pallipuram Branch,
P.O. Pallipport, Distt. Ernakulam,
Kerala-683 515 | 76. Bank of India,
Mumbai Corporate Banking Branch,
4th Floor, Bank of India Bldg.,
M. G. Road, Mumbai-400 023 |
| 63. Bank of India,
Parur (Main Road) Branch,
Parur, Main Road, Distt. Ernakulam,
Kerala-683 513 | 77. Bank of India,
Specialised Asset Recovery,
Management Branch,
Darabshaw House,
Narottam Morarii Marg,
Ballard Estate, Mumbai-400 038 |
| 64. Bank of India,
Parur (Market Road) Branch
Parur, Market Road,
Distt. Ernakulam, Kerala-683 513 | 78. Bank of India,
Mumbai Hightech Agri Fin. Branch,
1st Floor, BOI Bldg.,
70-80, M. G. Road,
Mumbai-400 023 |
| 65. Bank of India,
Perumbavur Branch,
Perumbavur, Distt. Ernakulam,
Kerala-682 323 | 79. Bank of India,
Shivaji Park SSI Branch,
Indravardhan C. H. Soc. Ltd.,
Ground Floor, Padma Thakur Rd.,
Near Kohinoor Mill No. 3,
Mumbai-400 016 |
| 66. Bank of India,
Thiruvaniyur Branch,
Thiruvaniyur, Distt. Ernakulam,
Kerala-682 323 | |
| 67. Bank of India,
Udhyogmandal Branch, P.O. No. 12,
Udhyogmandal, Distt. Ernakulam,
Kerala-683 501 | कराने वाले कार्यालयों की सूची |
| 68. Bank of India,
Uadakkekkara Branch,
Uadakkekkara, Distt. Ernakulam,
Kerala-683 522 | 1. Punjab National Bank,
B/O B. T. Ganj,
Distt. Roorkee,
Haridwar (U.P.) |
| 69. Bank of India,
Uaikkam Branch,
Uaikkam, Via Kunnackal,
Distt. Ernakulam, Kerala-682 316 | 2. Punjab National Bank,
B/O University of Roorkee,
Distt. Roorkee,
Haridwar (U.P.) |
| | 3. Punjab National Bank
Lead Bank Office
Distt. Haridwar (U.P.) |

- | | |
|---|---|
| 4. Punjab National Bank
District Co-Ordinators Office,
Pauri,
Distt. Haridwar (U.P.) | 19. Punjab National Bank,
BO : Daulat Pur,
Distt. Una
Himachal Pradesh |
| 5. Punjab National Bank
Regional Office,
Haridwar (U.P.) | 20. Punjab National Bank,
BO : Amb,
Distt. Una,
Himachal Pradesh |
| 6. Punjab National Bank,
BO : Sector 5, Panchkula,
Distt. Panchkula,
Chandigarh | 21. Punjab National Bank,
BO : Gagate,
Distt. Una,
Himachal Pradesh |
| 7. Punjab National Bank
BO : GT Road, Ambala Cantt.
Distt. Ambala,
Chandigarh. | 22. Punjab National Bank,
BO : Nandha,
Distt. Bhiwani,
Haryana |
| 8. Punjab National Bank
BO : Castle Lines Ambala Cantt.
Distt. Ambala,
Chandigarh | 23. Punjab National Bank,
Ghanta Ghar, Bhiwani,
Distt. Bhiwani,
Haryana |
| 9. Punjab National Bank
BO : Awasain Chowk, Jagadhri,
Distt. Yamuna Nagar,
Chandigarh | 24. Punjab National Bank,
BO : Rawani Khera,
Distt. Bhiwani,
Haryana |
| 10. Punjab National Bank :
BO : Christian Hospital, Jagadhri,
Distt. Yamuna Nagar,
Chandigarh | 25. Punjab National Bank,
BO : Adam Pur,
Distt. Hissar,
Haryana |
| 11. Punjab National Bank
BO : Kanth Road,
Moradabad
Uttar Pradesh | 26. Punjab National Bank,
BO : Dabra Chowk, Hissar,
Distt. Hissar,
Haryana |
| 12. Punjab National Bank
BO : Gharaunda,
Distt. Karnal,
Haryana | 27. Punjab National Bank,
BO : Madadkera,
Distt. Hissar,
Haryana |
| 13. Punjab National Bank,
BO : Sec. 7, Karnal,
Distt. Karnal,
Haryana | 28. Punjab National Bank,
BO : Badsa Gate, Hansi,
Distt. Hissar,
Haryana |
| 14. Punjab National Bank,
BO : Traori,
Distt. Karnal,
Haryana | 29. Punjab National Bank,
BO : Saraod,
Distt. Hissar,
Haryana |
| 15. Punjab National Bank,
BO : Asand Road, Panipat
Distt. Panipat, Haryana | 30. Punjab National Bank,
BO : Mangala,
Distt. Sirsa,
Haryana |
| 16. Punjab National Bank,
BO : Nissing, Karnal,
Distt. Karnal, Haryana | 31. Punjab National Bank,
BO : Imal,
Distt. Sirsa,
Haryana |
| 17. Punjab National Bank,
BO : Yamuna Colony,
Dehradun (U.P.) | 32. Punjab National Bank,
BO : Chandni Chowk, Sirsa,
Distt. Sirsa,
Haryana |
| 18. Punjab National Bank,
BO : Phool Chand Nari Shilp Mandir,
Tavore Villa, Chakrata Road,
Dehradun (U.P.) | |

UNION BANK OF INDIA

List of branches recommended for notification under
Official Language Rule 10(4)

1. Gopalapatnam Branch, D No. 9-333-1,
1st Floor, Near Shankar Theatre, Main
Road, Gopalapatnam,
Vishakhapatnam-530 027, Andhra Pradesh
2. Ramanthapur Branch, 3-10-4/1,
Gokhale Nagar,
Ramanthapur, Hyderabad-500 013,
Andhra Pradesh.
3. J. P. Nagar Branch, No. 4 & 5,
1st Floor, 100 Ft. Ring Road,
6th Phase, J. P. Nagar,
Bangalore-560 078.
4. Hennur Main Road (Bangalore),
Branch No. 382/2491,
Near Mariyappa Circle,
(Opp. Jal-Vayu Vihar),
Kacharakanashalli, Bangalore-560 043.
5. Channapatna Branch, No. 2228,
1st Floor, Padmashri Complex,
Bangalore-Mysore Road,
Channapatna-571 501, Distt. Bangalore
6. Kanakapura Branch, K. H. Circle,
Kodihalli Road, Kanakapura-562117,
Distt. : Bangalore
7. SSB Branch, Subhash Chowk, Katni,
Distt : Jabalpur, Madhya Pradesh-483 501.
8. SSB Branch, Katra Bazar,
Sagar, Madhya Pradesh-470 002.
9. Nepiar Town Branch, Gurunanak Market,
Rasoi Chowk, Jabalpur,
Madhya Pradesh-482 001.
10. SSB Branch, Gopal Bagh,
P.B. No. 212,
Baldev Bagh, Jabalpur,
Madhya Pradesh-482 002.
11. SSB Branch,
Civil Lines, Jaunpur.
12. SSB Branch,
Shahganj, Distt : Jaunpur.

13. S.S.B. Branch,
Plot No. B-1,
City Centre,
B. S. City,
Distt. : Bokaro,
(Bihar).
14. S.S.B. Branch,
Kalimati Road,
TISCO Holding No. 4/4,
Post Sakchi,
Jamshedpur,
Distt. : Singhbhum,
(Bihar).
15. S.S.I. Branch,
Main Road,
Bistupur,
Opp. Ram Mandir,
Jamshedpur,
Distt. : Singhbhum (East),
(Bihar).

(राजस्व विभाग)

आदेश

नई दिल्ली, 1 जनवरी, 1999

स्टाम्प

का.आ.116.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै. एस. बी. आई. कैपिटल मार्केट लि., नई दिल्ली को मात्र एक करोड़ रु. का समेकित स्टाम्प शुल्क भुगतान करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले मात्र एक सौ करोड़ रु. के 100-100 रु. सममूल्य वाले बंधपत्र स्वरूप के 1 से 10000000 तक की विशिष्ट संख्या के असुरक्षित विमोच्य अपरिवर्तनीय ऋण-पत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 199-स्टाम्प-का. सं. 15/35/98-एस.टी.]

अपर्णा शर्मा, अवर सचिव

(Department of Revenue)

ORDER

New Delhi, the 1st January, 1999

STAMPS

S.O. 116.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamps Act, 1899 (2 of 1899), the Central Government hereby permits M/s. SBI Capital Markets Limited, New Delhi to pay con-

solidated stamps duty of rupees one crore only chargeable on account of the stamp duty on Unsecured Redeemable Non-convertible Debentures in the nature of bonds bearing distinctive numbers from 1 to 10000000 of rupees one hundred each at par of the aggregate value of rupees one hundred crores only, to be issued by the said company.

[No. 1/99-STAMPS—F. No. 15/35/98-ST]
APARNA SHARMA, Under Secy.

परमाणु ऊर्जा विभाग

शुद्धि पत्र

मुम्बई, 31 दिसम्बर, 1998

का.आ. 117.—इस विभाग के दिनांक 27-8-98 के आदेश सं. 1/6(1)/95-विज./653 में आंशिक संशोधन करते हुए, उक्त आदेश में विभिन्न स्थानों पर उल्लिखित शब्दों "रेयर मैटेरियल प्लांट" को संशोधित रूप में "रेयर मैटेरियल प्रोजेक्ट" पढ़ा जाये।

[सं. 1/6(1)/95-विज.]
जुथिका पाटणकर, उप सचिव

DEPARTMENT OF ATOMIC ENERGY CORRIGENDUM

Mumbai, the 31st December, 1998

S.O. 117.—In partial modification of this Department's order No. 1/6(1)/95-Vig./653 dated 27-8-98, the words 'Rare Materials Plant' wherever appearing in the said order may please be corrected to read as 'Rare Materials Project'.

[No. L-1/6(1)/95-Vig.]
JUTHIKA PATANKAR, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

आदेश

नई दिल्ली, 31 दिसम्बर, 1998

का.आ. 118.—जबकि काबुल विश्वविद्यालय द्वारा प्रदत्त आयुर्विज्ञान अर्हता एम. डी. भारतीय आयुर्विज्ञान परिषद्

अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए उक्त अधिनियम की धारा 14 के अन्तर्गत एक मान्यता प्राप्त आयुर्विज्ञान अर्हता है ;

और जबकि डा. प्रेमी हरदर्शन सिंह, जो उक्त अर्हता रखते हैं, गुरु हरकृष्ण अस्पताल, गुरुद्वारा बंगला साहब रोड, नई दिल्ली से निजी लाभ के लिए नहीं बल्कि पूर्ण कार्य के प्रयोजनों के लिए संबद्ध रहते हैं ;

अतः अब उक्त अधिनियम की धारा 14 की उपधारा (i) के खंड (ग) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा —

(क) दो वर्षों की अवधि, या

(ख) उस अवधि को जिसके दौरान डा. प्रेमी हरदर्शन सिंह उक्त हरकृष्ण अस्पताल से संबद्ध रहते हैं, इनमें से जो भी कम हो, उस अवधि के रूप में विनिर्दिष्ट करती है जिस के दौरान उक्त गुरु हरकृष्ण अस्पताल में प्रेमी हरदर्शन सिंह द्वारा चिकित्सीय व्यवसाय परिसीमित होगा।

[संख्या बी. 11016/2/98-एम ई (यूजी)]
एस. के. मिश्रा, डैस्क अधिकारी

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

ORDER

New Delhi, the 31st December, 1998

S.O. 118.—Whereas medical qualification M. D. granted by the University of Kabul is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas Dr. Premi Hardarshan Singh who possesses the said qualification is attached to the Guru Harkrishan Hospital, Gurudwara Bangla Saheb Road, New Delhi for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the section 14 of the said Act, the Central Government hereby specifies—

(a) a period of two years, or

(b) the period during which Dr. Premi Hardarshan Singh is attached to the said Guru Harkrishan Hospital, whichever is shorter, as the period to which medical practice by Dr. Premi Hardarshan Singh in the said Guru Harkrishan Hospital shall be limited.

[No. V-11016/2/98-ME(UG)]

S. K. MISHRA, Desk Officer

नई दिल्ली, 1 जनवरी, 1999

का.आ. 119.—जबकि केन्द्रीय सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा-3 की उपधारा (1) के खंड (क) के अनुसरण में और राजस्थान सरकार से परामर्श करके डा. शिव गौतम, अधीक्षक और मनश्चिकित्सा विभाग के अध्यक्ष, मनोरोग चिकित्सालय, जयपुर को इस अधिसूचना से जारी होने की तारीख से भारतीय आयुर्विज्ञान परिषद् के एक सदस्य के रूप में मनोनीत किया है;

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंधों के अनुसरण में केन्द्र सरकार एतद्वारा तत्कालीन स्वास्थ्य मंत्रालय, भारत सरकार की अधिसूचना संख्या का.आ. 138, दिनांक 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खंड (क) के अधीन मनोनीत” शीर्षक के अधीन क्रम संख्या 4 और उससे संबद्ध प्रविष्टियों के स्थान पर निम्नलिखित प्रतिस्थापित की जाएगी :—

“4. डा. शिव गौतम,

अधीक्षक और मनश्चिकित्सा विभागाध्यक्ष, मनोरोग चिकित्सालय,
जयपुर।”

[सं. की. 11013/14/98-एम.ई. (यू. जी.)]

एस. के. मिश्रा, डेस्क अधिकारी

प्रावृत्तिपत्र:—मुख्य अधिसूचना भारत के राजपत्र में दिनांक 9 जनवरी, 1960 का अधिसूचना संख्या का.आ. 138 के द्वारा प्रकाशित की गई थी।

New Delhi, the 1st January, 1999

S.O. 119.—Whereas the Central Government in pursuance of clause (a) of Sub-Section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Rajasthan have nominated Dr. Shiv Gautam, Superintendent and Head of Deptt. of Psychiatry, Manorog Chikitsalaya, Jaipur to be a member of Medical Council of India with effect from issue of this notification.

Now, therefore, in pursuance of the provisions of Sub-Section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Govt. of India, in the then Ministry of Health, No. S.O. 138, dated the 9th January, 1960, namely:—

In the said notification under the heading ‘Nominated under clause (a) of Sub-Section (1) of Section 3,’ for serial No. 4 and the entries relating thereto, the following shall be substituted ;

“4. Dr. Shiv Gautam,

Superintendent and Head of Deptt. of Psychiatry,
Manorog Chikitsalaya,
Jaipur.”

[No. V. 11013/14/98-ME (UG)]

S. K. MISHRA, Desk Officer

Footnote — The principal notification was published in the Gazette of India, vide notification No. S.O. 138, dated the 9th January, 1960.

जल भूतल परिवहन मंत्रालय

(नौवहन महानिदेशालय)

(वाणिज्यिक नौवहन)

मुम्बई, 30 दिसम्बर, 1998

का.प्रा. 120.—वाणिज्यिक नौवहन/नाविक रोजगार कार्यालय नियम, 1986 के नियम 3 तथा भारत सरकार, जल भूतल परिवहन मंत्रालय की अधिसूचना सं. एस डब्ल्यू/एम डब्ल्यू एस-40/85-एम टी, दिनांक 22 अप्रैल, 1988 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नौवहन महानिदेशक, एतद्वारा, शासकीय राजपत्र में इस अधिसूचना के प्रकाशन की तिथि से दो वर्षों की अवधि के लिये, कलकत्ता पत्तन पर नाविक रोजगार बोर्ड (विदेशगामी) की नियुक्ति करते हैं, जिसमें निम्नलिखित सदस्य होंगे :—

सरकार का प्रतिनिधित्व करने वाले सदस्य :

1. प्रधान अधिकारी, समुद्री वाणिज्य विभाग, कलकत्ता।

2. उप नौवहन महानिदेशक, नाविक रोजगार कार्यालय के प्रभारी।

3. श्रम आयुक्त, पश्चिम बंगाल, कलकत्ता।

4. नाविक पाल, कलकत्ता।

5. निदेशक, नाविक रोजगार कार्यालय, कलकत्ता।

6. पत्तन स्वास्थ्य अधिकारी

पोतस्वामियों का प्रतिनिधित्व करने वाले सदस्य :

7. कैप्टन जे.एस. जोसेफ

(इंडिया स्टिमशिप कंपनी लि. कलकत्ता)

8. श्री डी.के. मुखर्जी
(भारतीय नौवहन निगम, कलकत्ता)

9. श्री डी.पी. भट्टाचार्य।
(इंडिया स्टिमशिप कंपनी लि., कलकत्ता)

11 GI/98-4.

10. कैप्टन एस.शाही।
(भारतीय नौवहन निगम, कलकत्ता)

11. श्री टी.के. राय
(भारतीय नौवहन निगम, कलकत्ता)

12. श्री एस.के. दास
(इंडिया स्टिमशिप कंपनी लि., कलकत्ता)

नाविकों का प्रतिनिधित्व करने वाले सदस्य :

13. श्री आशुतोष मुखर्जी

14. श्री साधन कांजीलाल

15. श्री अनिल बाशन दास

16. श्री बिमल कुमार राय

17. श्री एम. एल. चांदा

18. श्री मायकेल प्रणव मुखर्जी

प्रधान अधिकारी समुद्री वाणिज्य विभाग, कलकत्ता, पूर्वोक्त बोर्ड के अध्यक्ष और उप नौवहन महानिदेशक, नाविक रोजगार कार्यालय, कलकत्ता के प्रभारी, उपाध्यक्ष होंगे। निवेशक, नाविक रोजगार कार्यालय, पूर्वोक्त बोर्ड के सदस्य-सचिव होंगे।

[फाइल सं. 25(2)सी.प्रार./90]

प्रार. रविचंद्रन, उप नौवहन महानिदेशक

MINISTRY OF SURFACE TRANSPORT

(Directorate General of Shipping)

(Merchant Shipping)

Mumbai, the 30th December, 1998

S.O. 120.—In exercise of the powers conferred by Rule 3 of the Merchant Shipping (Seamen's Employment Offices) Rules, 1986 read with the Notification of the Govt. of India in the Ministry of Surface Transport No. SW/MWS-40/85-MT, dated the 22nd, April, 1988 the Director General of Shipping hereby appoints, Seamen's Employment Board (F.G.) at the Port of Calcutta for a period of two years with effect from the date of publication of the Notification

in the official Gazette consisting of the following members :—

MEMBERS REPRESENTING GOVERNMENT

1. The Principal Officer, Merchantile Marine Deptt., Calcutta.
2. The Dy. Director General of Shipping, In-charge of the Seamen's Employment Office.
3. The Labour Commissioner, West Bengal, Calcutta.
4. The Shipping Master, Calcutta.
5. The Director, Seamen's Employment Office, Calcutta.
6. The Port Health Officer, Calcutta.

MEMBERS REPRESENTING SHIPOWNERS

7. Capt. J. S. Joseph (India Steamship Company Ltd., Calcutta).
8. Shri D. K. Mukherjee (Shipping Corporation of India, LTD., Calcutta).
9. Shri D. P. Bhattacharjee (India Steamship Company Ltd., Calcutta).
10. Capt. S. Sahi (Shipping Corporation of India, Calcutta).
11. Shri T. K. Roy (Shipping Corporation of India, Calcutta).
12. Shri S. K. Das (Indian Steamship Company Ltd. Calcutta).

MEMBERS REPRESENTING SEAFERERS

13. Shri Ashutosh Banerjee
14. Shri Sadhan Kanjilal
15. Shri Anil Baran Das
16. Shri Bimal Kumar Roy

17. Shri M. L. Chanda

18. Shri Michel Pranab Mukherjee

The Principal Officer, Merchantile Marine Department, Calcutta and Dy. Director General of Shipping In-charge of the Seamen's Employment Office, Calcutta shall respectively be the Chairman and Vice-Chairman of the aforesaid Board. The Director Seamen's Employment Office shall be the Member Secretary of the Board.

[F. No. 25(2)CR/90]

R. RAVICHANDRAN, Dy. Director General of Shipping

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 6 नवम्बर, 1998

का.आ. 121.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में क्षेत्रीय प्रचार निदेशालय के अधीनस्थ, क्षेत्रीय प्रचार कार्यालय, रत्नागिरी (सूचना और प्रसारण मंत्रालय) को जिनके 80% से अधिक कर्मचारी वृन्द् ने हिन्दी क. कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[संख्या ई-11011/1/93-हिन्दी]

समय सिंह कटारिया, निदेशक (राजभाषा)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 6th November, 1998

S.O. 121.—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Government hereby notify the Subordinate Office of Directorate of Field Publicity the Field Publicity Office, Ratnagiri (Ministry of Information and Broadcasting), the staff whereof more than 80 per cent have acquired the working knowledge of Hindi.

[No. E-11011/1/93-Hindi]

S. S. KATARIA, Director (OL)

खाद्य और उपभोक्ता मामले मंत्रालय

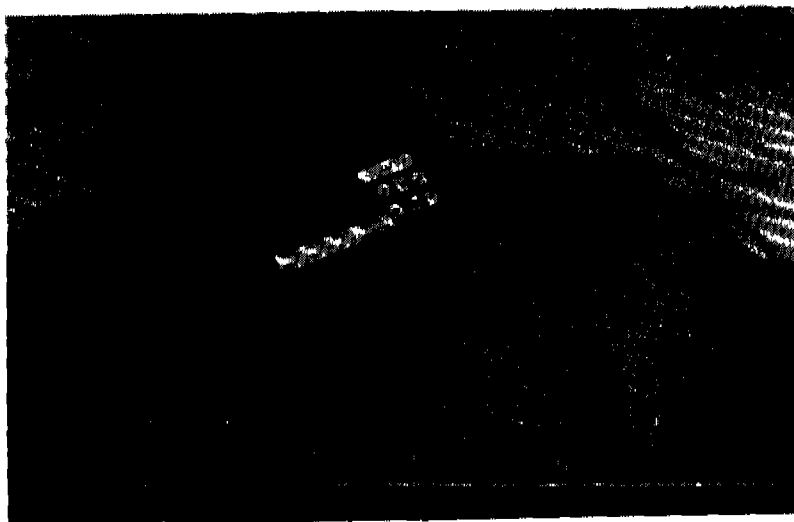
(उपभोक्ता मामले विभाग)

नई दिल्ली, 5 जनवरी, 1999

का. आ. 122 .—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यथार्थता (मध्यम यथार्थता) वर्ग 3 की " जे एस पी " सिरिज टाइप के और " जय जे एस टी 101 " ब्रांड नाम वाले स्वतःसूचक गैर-स्वचालित इलेक्ट्रानिक प्लेटफार्म तोलन मशीन के मॉडल का (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) जिसका विनिर्माण मैसर्स जय स्केल मेस्युरेक्चरिंग क., 57/58, जी आई डी सी, हिम्मतनगर-383001 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी./09/97/84 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल एक मध्यम यथार्थता (यथार्थता वर्ग 3) का तोलन उपकरण है जिसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान अंतर (ई) 20 ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही वर्गाकार सेक्शन का है जिसकी भुजाएं 500 मि. मी. है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, और आवृत्ति 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है;



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित 50 कि.ग्रा./10 ग्रा., 60 कि.ग्रा./10 ग्रा., 150 कि.ग्रा./50 ग्रा., 200 कि. ग्रा./50 ग्राम, 300 कि.ग्रा./50 ग्राम, 500 कि.ग्रा./100 ग्रा., 1 टन/200 ग्रा., 2 टन/500 ग्राम और 3 टन/1 कि. ग्रा. की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरिज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू. एम.-21 (54)/94]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF FOOD AND CONSUMER AFFAIRS**(Department of Consumer Affairs)**

New Delhi, the 5th January, 1999

S. O. 122.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic electronic platform weighing machine of type "JSP" series of class III accuracy (Medium accuracy) and with brand name "JAY JST 101" (herein-after referred to as the Model) manufactured by M/s Jay Scale Manufacturing Co., 57/58, G.I.D.C., Himmatnagar-383001, and which is assigned the approval mark IND/09/97/84;

The said Model is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 100 kg and minimum capacity of 400g. The verification scale interval (e) is 20 g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of sides 500 millimetre. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts and frequency 50 hertz, alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 50 kg/10 g, 60 kg/10 g, 150 kg/50 g, 200 kg/50 g, 300 kg/50g, 500kg/100 g, 1 t/200g, 2 t/500g and 3 t/1kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM 21 (54)/94]

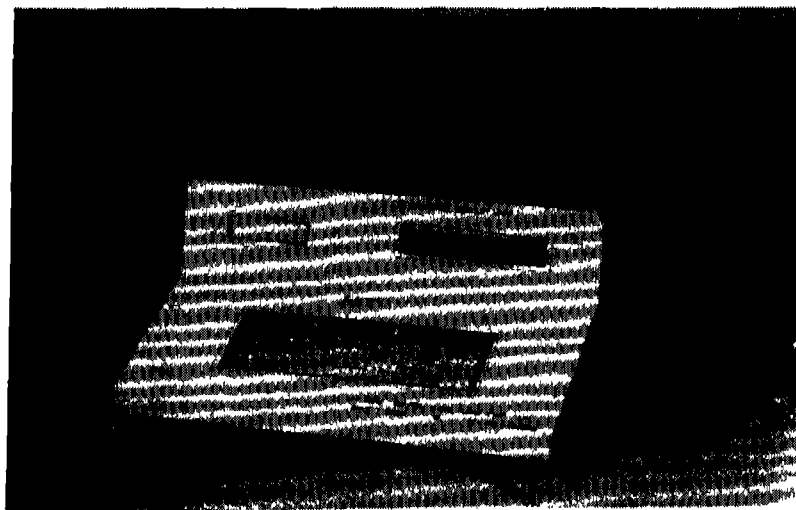
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 5 जनवरी, 1999

का. आ. 123.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यथार्थता (मध्यम यथार्थता) वर्ग III की "जे एस डब्ल्यू" सिरिज टाइप के और "जय जे एस डब्ल्यू 2001" ब्रांड नाम वाले स्वतःसूचक गैर-स्वचालित इलेक्ट्रॉनिक तुला चौकी के मॉडल का (जिसे इसके पश्चात् मॉडल कहा गया है) जिसका विनिर्माण मैसर्स जय स्केल मेनुफैक्चरिंग क. 57/58, जी आई डी सी, हिम्मतनगर-383001 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी./09/97/85 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है;

उक्त मॉडल एक मध्यम यथार्थता (यथार्थता वर्ग 3) का तोलन उपकरण है जिसकी अधिकतम क्षमता 30000 किलोग्राम और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्पापन मापमान अंतर (ई) 5 कि. ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही आयाताकार सैक्शन का है जिसकी भुजाएं 9×3 मी. हैं। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट और आवृत्ति और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है;



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का विनिर्माण किया गया है। विनिर्मित 5 ट./1 कि. ग्रा., 10 ट./2 कि. ग्रा., 15 ट./2 कि.ग्रा., 20 ट./5 कि.ग्रा., 25 ट./5 कि.ग्रा., 40 ट./10 कि.ग्रा., 50 ट./10 कि.ग्रा., 60 ट./10 कि.ग्रा., 80 ट./20 कि.ग्रा. और 100 ट./20 कि.ग्रा. की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरिज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू.एम.-21 (54)/94]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th January, 1999

S. O. 123.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, electronic weighing bridge of type "JSW" series of class III accuracy (Medium accuracy) and with brand name "JAY JSW 2001" (hereinafter referred to as the Model) manufactured by M/s Jay Scale Manufacturing Co., 57/58, G.I.D.C., Himmatnagar-383001, and which is assigned the approval mark IND/09/97/85;

The said Model is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 30000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of sides 9×3 metre. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts and frequency 50 hertz, alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 5t/1kg, 10t/2kg, 15t/2kg, 20t/5kg, 25t/5kg, 40t/10kg, 50t/10kg, 60t/10kg, 80t/20kg and 100t/20kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM 21 (54)/94]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

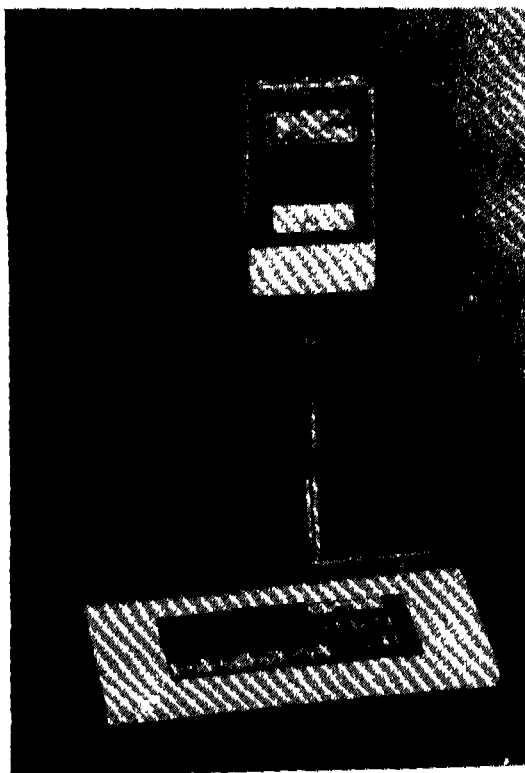
नई दिल्ली, 5 जनवरी, 1999

का. आ. 124.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यथार्थता (मध्यम यथार्थता) वर्ग 3 की "जे एस टी" सिरिज टाइप के और "जय जे एस पी 1001" ब्रांड नाम वाले स्वतः मूचक गैर-स्वचालित इलेक्ट्रॉनिक टेबल टॉप तोलन मशीन के मॉडल का (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) जिसका विनिर्माण मैसर्स जय स्केल मेनुफैक्चरिंग कं. 57/58, जी. आई. डी. सी. हिम्मतनगर-383001 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी./09/97/86 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र प्रकाशित करती है।

उक्त मॉडल एक मध्यम यथार्थता (यथार्थता वर्ग 3) का तोलन उपकरण है जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 20 ग्राम है। स्थापन मापमान अन्तर (ई) 1 ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलमात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही आयताकार सैक्शन का है जिसकी भुजाएं 220×280 मि. मी. हैं।

प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट और आवृत्ति 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित 200 ग्रा./20 मि. ग्रा., 500 ग्रा./100 मि. ग्रा., 1 कि.ग्रा./200 मि.ग्रा., 2 कि.ग्रा./200 मि.ग्रा., 5 कि.ग्रा./500 मि.ग्रा., 15 कि.ग्रा./2 ग्रा. 20 कि.ग्रा./2 ग्रा. और 30 कि.ग्रा./5 ग्रा.की अधिकतम क्षमता वाले समरूप सेक, यथार्थता और उसी सिरिज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू.एम. 21 (54)/94]

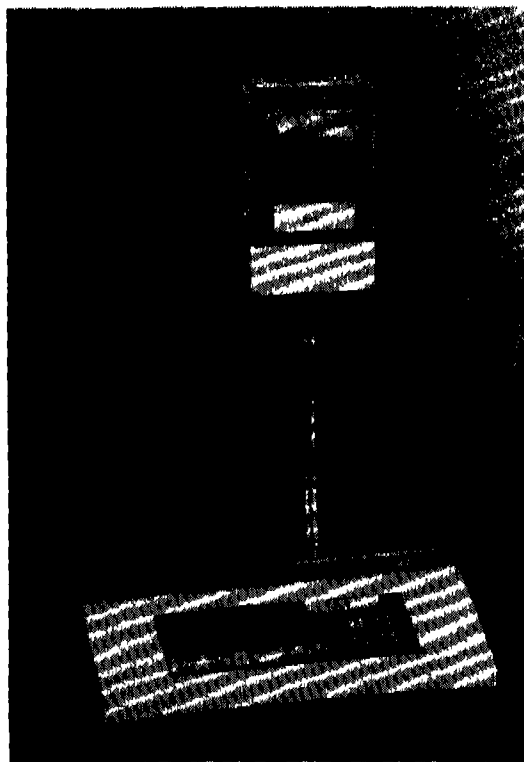
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th January, 1999

S. O. 124.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic Table top weighing machine of type "JST" series of class III accuracy (Medium accuracy) and with brand name "JAY JSP 1001" (hereinafter referred to as the Model) manufactured by M/s. Jay Scale Manufacturing Co., 57/58, G.I.D.C., Himmatnagar-383001, and which is assigned the approval mark IND/09/97/86;

The said Model is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 10 kg. and minimum capacity of 20 g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of sides 220×280 millimetre. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts and frequency 50 hertz, alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 200g/20mg, 500g/100mg, 1 kg/200mg, 2 kg/200mg, 5 kg./500mg, 15kg/2 g, 20kg/2g. and 30kg/5g manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

[F. No. WM 21 (54)/94]

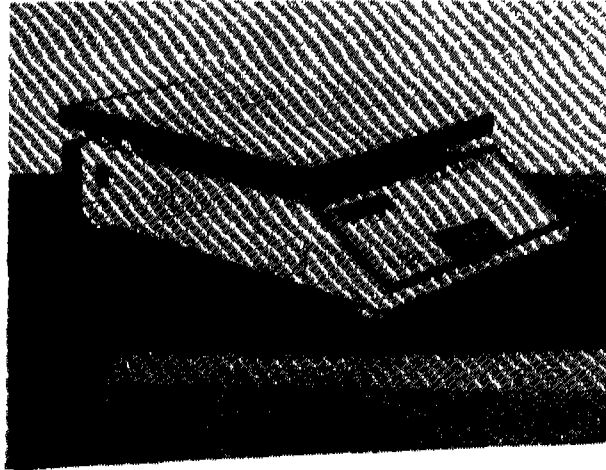
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 5 जनवरी, 1999

का. आ. 125.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना है कि अविरत उपयोग की अवधि से भी उक्त मॉडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, टाइप “ए टी डब्ल्यू” श्रेणी के वर्ग III यथार्थता (मध्यम यथार्थता) वाली स्वतः सूचक गैर-स्वचालित इलेक्ट्रॉनिक टेबल टॉप तुलाई मशीन के मॉडल का जिसका ब्राण्ड नाम “एलकॉन” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसका विनिर्माण मैसर्स जार्ज जोसेफ, मांडोथिल हाउस, कुन्नकल, डाकघर मुक्कुपुजही, ईरनाकुलम जिला, केरला-682316 द्वारा किया गया है और जिसे अनुमोदन विह्व आई. एन. डी./09/98/20 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) मध्यम यथार्थता (यथार्थता वर्ग III) तुलन यंत्र है, जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान अंतराल (ई) 2 ग्राम है। इसमें एक अधितुलन युक्ति है जिसका शतप्रतिशत व्यकलनात्मक धारित प्रभाव है। उद्धारग्राही वर्गाकार है जिसकी भुजाएं 300×300 मि. मी. है। द्रव्य स्फटिक संप्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 230 वोल्ट और 50 हर्ट्ज आवृत्ति पर प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषित करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत इसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और सामग्री जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, के अनुसार विनिर्मित इसी श्रृंखला के समरूप मेक, शुद्धता और निष्पादन वाले तुलन यंत्र भी हैं जिनके सत्यापन मापमान अंतराल की अधिकतम संख्या (एन) 10000 से कम या समतुल्य है (एन \leq 10,000) और (ई) मूल्य 1, 2, 5 श्रृंखला का है।

[फा. सं. डब्ल्यू. एम.-21 (7)/97]

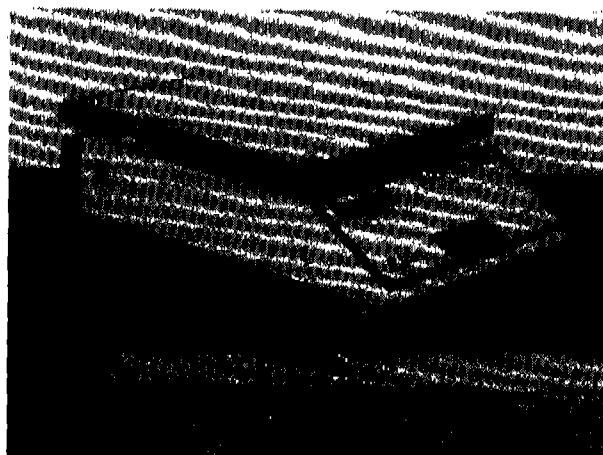
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi. the 5th January, 1999

S. O. 125.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain the accuracy over periods of sustained use and to render accurate service under varied conditions .

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic table top weighing machine of type "ATW" series of class III accuracy (Medium accuracy) and with brand name "ELCON" (hereinafter referred to as the Model) manufactured by M/s. George Joseph, Mandothil House, Kunnackol, P.O. Muvattupuzha, Ernakulam Dist., Kerala-682316, and which is assigned the approval mark IND/09/98/20;

The said Model (see the figure) is a Medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 10 kg and minimum capacity of 40 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of sides 300×300 millimetre. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts and frequency 50 Hertz, alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum number of verification scale interval (n) less than or equal to 10,000 ($n \leq 10000$) and with 'e' value of 1, 2, 5 series manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved model has been manufactured.

[F. No. WM-21 (7)/97]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 5 जनवरी, 1999

का. आ. 126.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उम्मे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अचिरल उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, टाइप "ए. पी. डब्ल्यू" श्रृंखला के वर्ग 3 यथार्थता (मध्यम यथार्थता) वाली स्त्रतः सूचक गैर-स्वचालित इलेक्ट्रॉनिक प्लेटफार्म तुलनाई मशीन के माडल का जिसका ब्राण्ड नाम "एस्कान" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स जार्ज जोसेफ, मांडीथिल हाउस, कुन्नवल, डाक घर मुवरतुपुबहा, ईरनाकुलम जिला, केराला-682316 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. पी./09/98/19 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) मध्यम यथार्थता (यथार्थता वर्ग 3) तुलना यंत्र है, जिसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान अंतराल (ई) 20 ग्राम है। इसमें एक आधुनिक युक्ति है जिसका शतपतिशत टयबबलात्मक धारित प्रभाव है। उद्भार ग्राही वर्गाकार है जिसकी भुजाएं 600×600 मि. मी. हैं। द्रव्य स्फटिक संप्रदर्शन तुलन परिणाम उपदर्शित करता है। यंत्र 230 वोल्ट और 50 हर्टज आवृत्ति पर प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



इसके अतिरिक्त केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषित करती है कि उक्त मॉडल के अनुमोदन के प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन और सामग्री जिससे अनुमोदित मॉडल का विनिर्माण किया गया है के अनुसार विनिर्मित इसी श्रृंखला के समरूप मैक, शुद्धता और निष्पादन वाले तुलन यंत्र भी हैं जिनके सत्यापन मापमान अंतराल की अधिकतम संख्या (एन) 10,000 से कम या समतुल्य है (एन < 10,000) और (ई) मूल्य 1, 2, 5 श्रृंखला का है।

[फा. सं. डब्ल्यू. एम.-21 (7)/97]

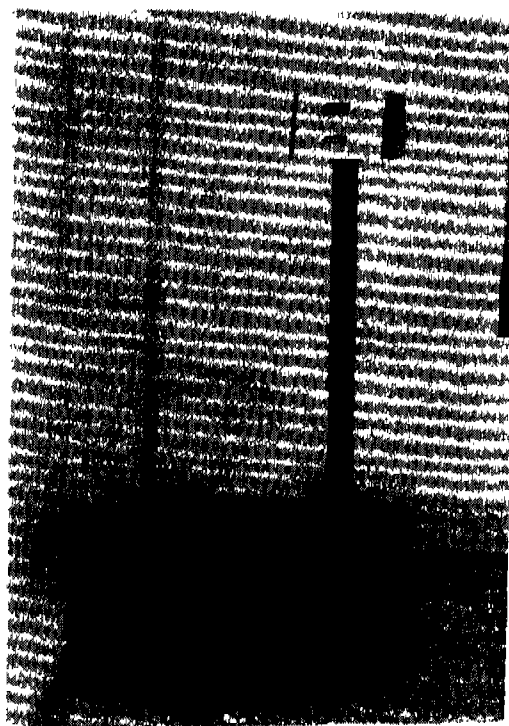
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th January, 1999

S. O. 126.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain the accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic platform weighing machine of type "APW" series of class III accuracy (Medium accuracy) and with brand name "ELCON" (hereinafter referred to as the Model) manufactured by M/s George Joseph, Mandothil House, Kunnackol, P.O. Muvattupuzha, Ernakulam Distt. Kerala-682316, and which is assigned the approval mark IND/09/98/19;

The said Model (see the figure) is a Medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 100kg and minimum capacity of 400 g. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of sides 600×600 millimetre. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts and frequency 50 Hertz, alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section, 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum number of verification scale interval (n) less than or equal to 10,000 ($n < 10000$) and with 'e' value of 1,2,5 series manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No WM 21 (7)/97]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 5 जनवरी, 1999

का. आ. 127.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यथार्थता (उच्च यथार्थता) वर्ग 2 की "एण्ड-इक" सिरीज टाइप के और "एण्ड" ब्रांड नाम वाले स्वतःसूचक और स्वचालित इलेक्ट्रॉनिक टेबल टॉप तोलन मशीन के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैमर्स एवन इंटर प्राइजेज, 5 ई, वैभव, 140, एस.बी.रोड इलाहाबाद (प.) मुम्बई-56 द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई.एन.डी./09/97/92 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल एक उच्च यथार्थता (यथार्थता वर्ग 2) का तोलन उपकरण है जिसकी अधिकतम क्षमता 1.2 किलो ग्राम और न्यूनतम क्षमता 5 ग्राम है। स्थापन मापमान अन्तर (ई) 100 मि. है। इसमें एक टेयर युक्त है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही आयताकार सेक्शन का है जिसकी भुजाएं 132×170 मि.मी. है। द्रव क्रिस्टल संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट और आवृत्ति 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 120 ग्राम/10 मि.ग्राम, 200 ग्राम/10 मि.ग्राम, 600 ग्राम/100 मि.ग्राम, 1.2 कि.ग्राम/100 मि.ग्राम, 2 कि.ग्राम/100 मि.ग्राम, 6 कि.ग्राम/1 ग्राम और 12 कि.ग्राम/1 ग्राम की अधिकतम क्षमता वाले समरूप मेक. यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू एम-21(13)/97]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th January, 1999

S.O. 127.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain the accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, electronic table top weighing machine of type “AND-EK” series of class II accuracy (high accuracy) and with brand name “AND” (hereinafter referred to as the Model) manufactured by M/s Avon Enterprises, 5E, Vaibhav, 140, S.V. Road, Irla Vile Parle (W), Mumbai-56, and which is assigned the approval mark IND/09/97/92:

The said Model is a high accuracy (accuracy class II) weighing instrument with a maximum capacity of 1.2 kg and minimum capacity of 5g. The verification scale interval (e) is 100 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of sides 132 × 170 millimetre. The Liquid Crystal Display indicates the weighing result. The instrument operates on 230 volts and frequency 50 hertz, alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 120 g/10 mg, 200 g/10 mg, 600 g/100 mg, 1.2 kg/100 mg, 2 kg/100 mg, 6 kg/1g and 12 kg/1g manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21(13)/97]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 5 जनवरी, 1999

का. आ. 128.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यथार्थता (उच्च यथार्थता) वर्ग 2 की "एफ वाई-एण्ड" सिरीज टाइप के और "एण्ड" ब्रांड नाम वाले स्वतः सूचक गैर स्वचालित इलैक्ट्रॉनिक टेबल टॉप तोलन मशीन के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स एवन इंटर प्राइजेज, 5 ई, वैभव, 140, एस.वी.रोड इला विले पार्ले (प.) मुम्बई-56 द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई.एन.डी./09/97/93 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल एक उच्च यथार्थता (यथार्थता वर्ग 2) का तोलन उपकरण है जिसकी अधिकतम क्षमता 210 ग्राम और न्यूनतम क्षमता 200 मि. ग्राम है। सत्यापन मापमान अन्तर (ई) 10 मि.ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही वृत्ताकार सेक्शन है जिसका व्यास 105 मि.मी. है। द्रव क्रिस्टल डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट और आवृत्ति 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 310 ग्रा./10 मि.ग्रा., 630 ग्राम/10 मि.ग्रा., 2100 ग्राम/100 मि.ग्रा., 3100 ग्रा./100 मि.ग्रा. की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यक्रमण वाले तोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू एम-21(13)/97]

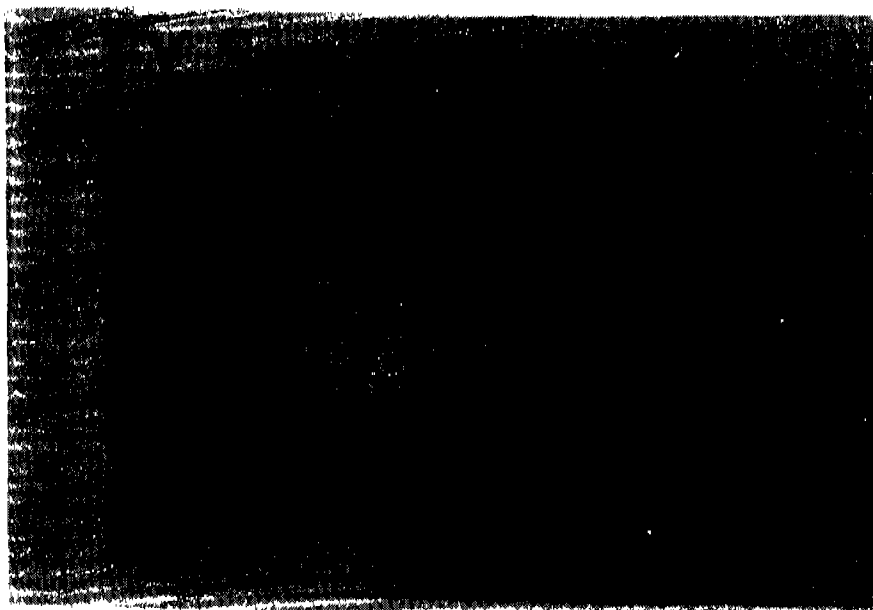
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th January, 1999

S.O. 128.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain the accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, electronic table top weighing machine of type "FY-AND" series of class II accuracy (high accuracy) and with brand name "AND" (hereinafter referred to as the Model) manufactured by M/s Avon Enterprises, 5E, Vaibhav, 140, S V. Road, Irla Vile Parle (W), Mumbai-56, and which is assigned the approval mark IND/09/97/93;

The said Model is a high accuracy (accuracy class II) weighing instrument with a maximum capacity of 210 g and minimum capacity of 200 mg. The verification scale interval (e) is 10 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of circular section of diameter 105 millimetre. The Liquid Crystal Display indicates the weighing result. The instrument operates on 230 volts and frequency 50 Hertz, alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 310 g/10 mg, 630 g/10 mg, 2100 g/100 mg, 3100 g/100 mg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured

[File No. WM 21(13)/97]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

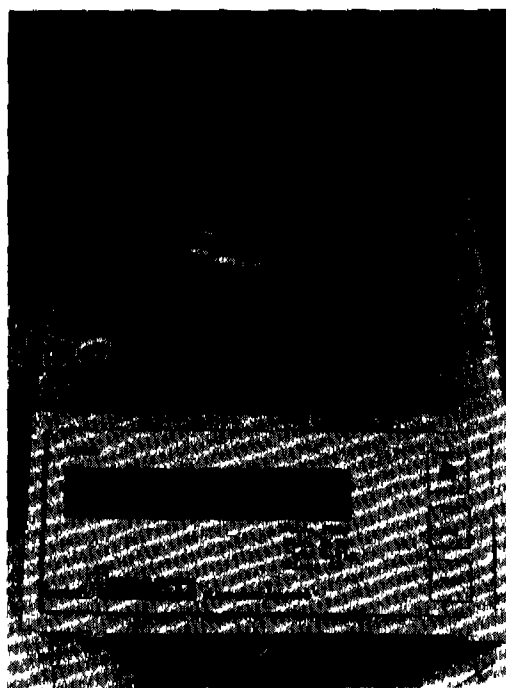
नई दिल्ली, 5 जनवरी, 1999

का. आ. 129.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा :

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग II यथार्थता (उच्च यथार्थता) वाली "एस बी" श्रृंखला की, स्वतः सूचक, अस्वच्छालित, इलेक्ट्रानिक, मेजतल तोलन मशीन के मॉडल का, जिसके ब्रांड का नाम "शक्ति" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसका विनिर्माण मैसर्स शक्ति इंडस्ट्रीज, बी-3, बोगानजा इंडस्ट्रियल इस्टेट, अशोक चक्रवर्ती रोड, वंडावली (ईस्ट) मुम्बई-400101 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/08/114 समनुदेशित किया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है।

यह माडल (आकृति देखें) उच्च यथार्थता (यथार्थता वर्ग II) का तोलन उपकरण है, जिसकी अधिकतम क्षमता 200 ग्राम और न्यूनतम क्षमता 200 मिलीग्राम है। सत्पापन मापमान अन्तराल (ई) 10 मि. ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यलकलनात्मक धारित आधेयतुलन प्रभाव है। भार ग्राही वृत्ताकार है जिसकी व्यास 105 मिलीमीटर है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्टज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाण-पत्र के अन्तर्गत उसी श्रृंखला के उसी मेक, यथार्थता और कार्यकरण वाला ऐसा तोलन उपकरण भी होगा, जिसका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी समाग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिसके सत्पापन मापमान का अन्तराल (एन) की अधिकतम संख्या 100,000 (एन $\leq 100,000$) से कम या बराबर है तथा जिसका "ई" मान 1, 2, 5 श्रृंखला का है।

[फा. सं. डब्ल्यू एम-21/82/97]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

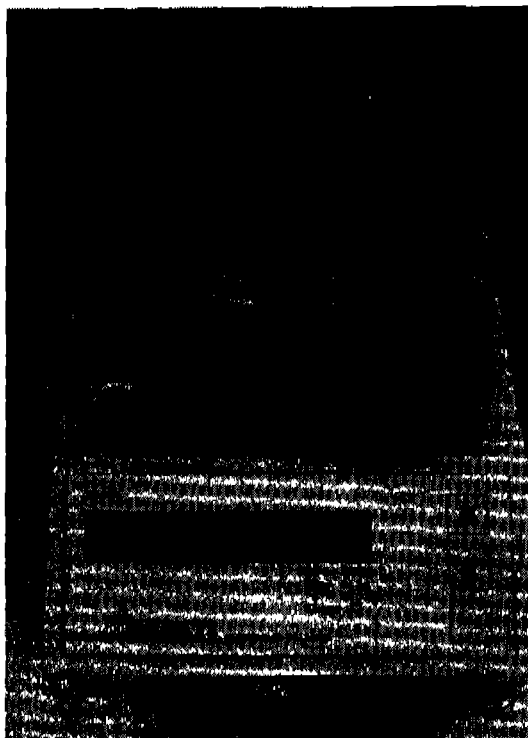
New Delhi, the 5th January, 1999

S.O. 129.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (61 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic table top weighing machine of type "SB" series of class II accuracy (high accuracy) and with brand name "SHAKTI" (hereinafter referred to as the model) manufactured by M/s Shakti Industries, B-3, Bonanza Indl. Estate, Ashok Charkravarty Road, Kandivali (East) MUMBAI-400101, and which is assigned the approval mark IND/09/98/114 ;

The said Model is a high accuracy (accuracy class II) weighing instrument with a maximum capacity of 200g and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of circular section of diameter 105 millimetre. The light emitting diode display indicates the weighing result. The instrument operates on 230 volts and frequency 50 hertz, alternate current power supply;

(figure)



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum number of verification scale interval (n) less than or equal to 100,000 ($n \leq 100,000$) and with 'e' value of 1, 2, 5 series manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[File No. WM 21(82)/97]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

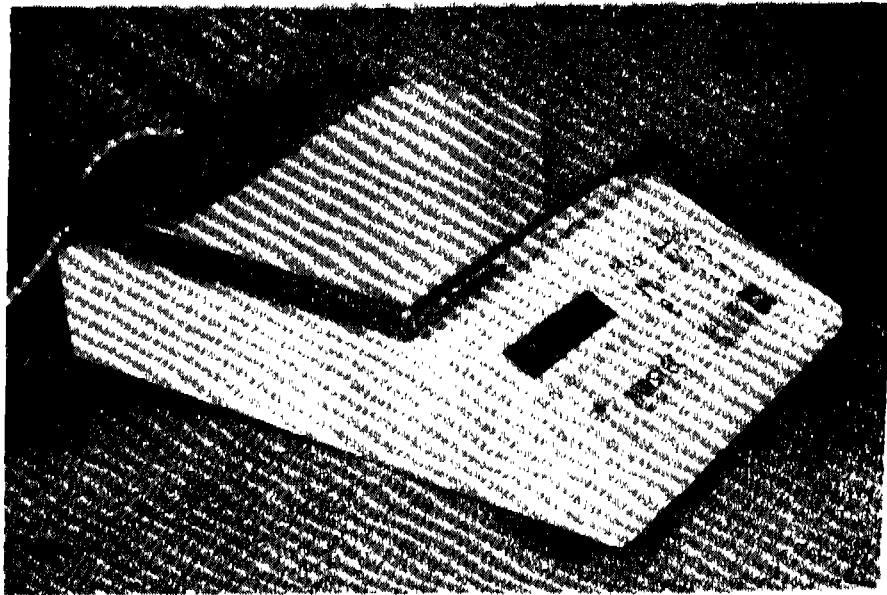
नई दिल्ली, 8 जनवरी, 1999

का. आ. 130.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखिए) वाट और माप मानक अधिनियम, 1976 (1976 का 60) और वाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग II यथार्थता (उच्च यथार्थता) वाली "मास" शृंखला की, स्वतः सूचक, अस्वचालित, इलेक्ट्रानिक, प्लेटफार्म तोलन मशीन के मॉडल का, जिसके ब्रांड नाम "मासटेक" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसका विनिर्माण मेसर्स मासटेक इंडिया, रामेश्वर शापिंग सेंटर, पार्ट III, ईशानपुर, अहमदाबाद-382443 द्वारा किया गया है जिसे अनुमोदन चिह्न आई. एन. डी. 09/98/48 समनुदेशित किया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है;

यह माडल उच्च यथार्थता (यथार्थता वर्ग II) तोलन उपकरण है, जिसकी अधिकतम क्षमता 11 किलोग्राम और न्यूनतम क्षमता 50 किलोग्राम है सत्यापन मापमान अन्तराल (ई) 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है। जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही वर्गाकार है जिसकी भुजाएं 250 × 250 मिलीमीटर है। प्रकाश उत्सर्जक डायोड प्रदर्शन तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्टज आवृत्ति प्रत्यावर्ती धारा विद्युत् प्रदाय पर कार्य करता है;

आकृति



और, केन्द्रीय सरकार, उक्त धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषित करती है कि उक्त माडल के इस अनुमोदन प्रमाण-पत्र के अन्तर्गत उसी शृंखला के उसी मेक, यथार्थता और कार्यकरण वाला ऐसा तोलन उपकरण भी होगा, जिसका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिसके सत्यापन मापमान अन्तराल (एन) की अधिकतम संख्या 100,000 (एन ≤ 100,000), से कम या उसके बराबर है तथा जिसका "ई" मान 1, 2, 5 शृंखला का है।

[फा. सं. डब्ल्यू एम-21(29)/96]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

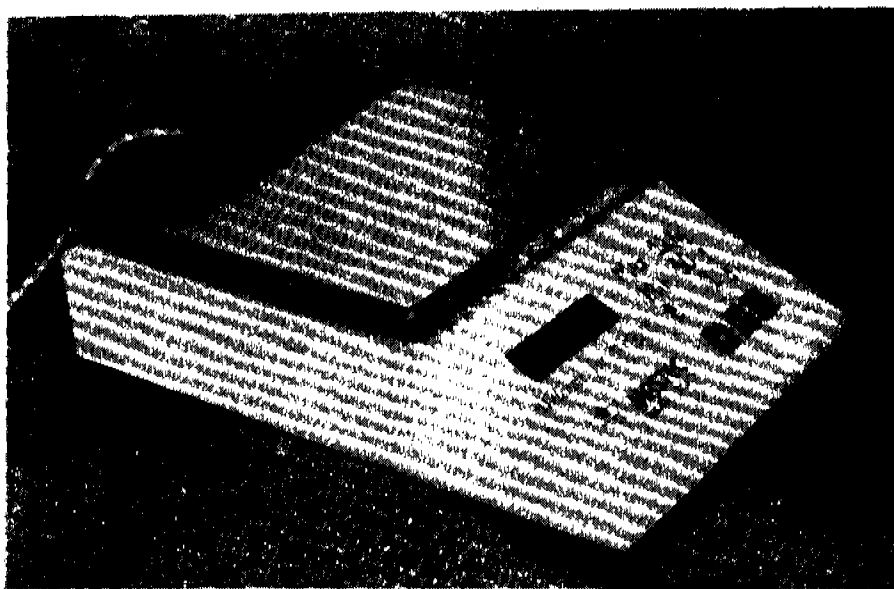
New Delhi, the 8th January, 1999

S.O. 130.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic platform weighing machine of type "MASTT" series of class II High accuracy (high accuracy) and with brand name "MASTEC" (hereinafter referred to as the Model) manufactured by M/s Mastec India, Rameshwar Shopping Centre, PART III, Isanpur, Ahmedabad-382443, and which is assigned the approval mark IND/09/98/48 ;

The said Model is a high accuracy (accuracy class II) weighing instrument with a maximum capacity of 11kg and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of side 250 × 250 millimetre. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternative current power supply;

(Figure)



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum number of verification scale interval (n) less than or equal to 100,000 ($n \leq 100,000$) and with 'e' value of 1, 2, 5 series, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

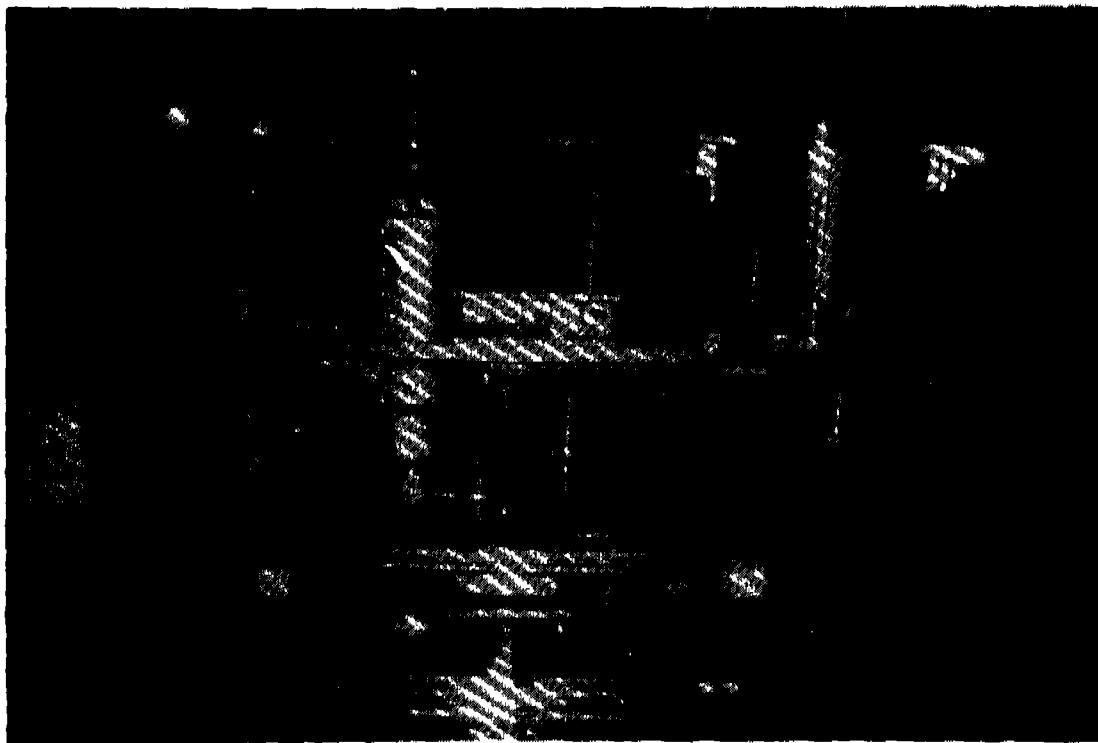
[File No. WM 21(29)/96]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 8 जनवरी, 1999

का. आ. 131.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट, जिसके माथ लेबोरेटरी नेशनल डी ईसान्से (एल एन ई) जो कि, इस उद्देश्य के लिए क्रेच प्रयोगशाला है और फ्रांस में मिनिस्ट्री डील इंडस्ट्रीज से प्रभावित है, द्वारा प्रतिरूप अनुमोदन और स्वीकृत और अनुमोदित परीक्षित परिणाम है पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में दिये गये मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक नियम (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "सेराक" मेक की द्रव भारई मशीन्स के माडल "सेक" (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसका निर्माण मेमर्स सिराक सोसायटी, बी पी 46,72402, ला फ्रंटें बेरगर्जे, कोडक्स, फ्रांस द्वारा किया गया है और भारत में मैसर्स कॉस्ट्रुल इंडिया लिमिटेड, व्हाइट हाउस, 91, बालेश्वर रोड, मुम्बई-400006 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/13/98/117 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है;



यह माडल स्वचालित द्रव भारई मशीन का है। जिसकी अधिकतम क्षमता और सत्यापन मापमान अन्तराल क्रमशः 3/10/20 किलोग्राम और 1/5/10 ग्राम है।

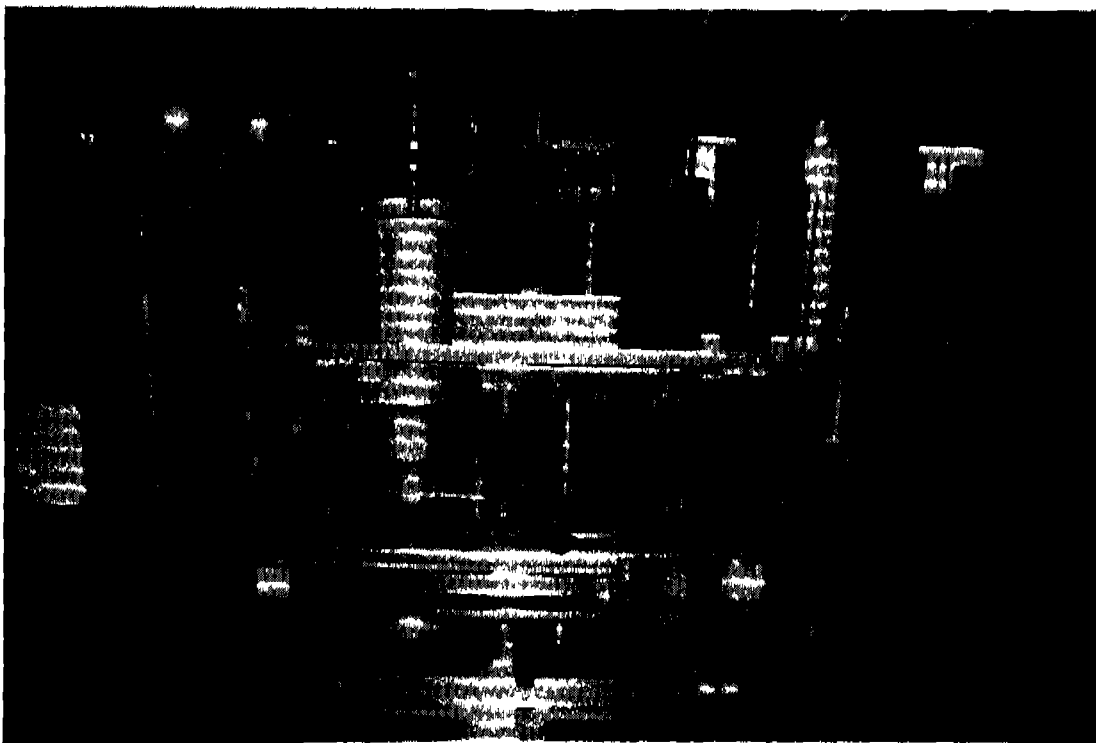
[फा. सं. डब्ल्यू एम-21(67)/96]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th January, 1999

S.O. 131.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the pattern approval and test results, granted and approved by Laboratoire National d'Essais (LNE), a French Laboratory for the purpose and certified by the Ministère de l'Industrie in France is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model in respect of "SERAC" make liquid filling machines of type "SAB" (herein referred to as the Model) manufactured by M/s Serac Society, BP 46,72402, La Ferte Bernard Codex, France and used in India by M/s Castrol India Limited, White House, 91, Walkeswar Road, MUMBAI-400006, and which is assigned the approval of Model mark IND/13/98/117 ;



The Model is a Automatic liquid filling machine. The maximum capacity and the verification scale interval are 3/10/20 kg and 1/5/10 g respectively.

[F. No. WN-21(67)/96]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

श्रम मंत्रालय

नई दिल्ली, 18 दिसम्बर, 1998

का.आ. 132— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में विन्सन्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. -2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-98 को प्राप्त हुआ था।

[सं. एल-31012/16/97-आई.आर. (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 18th December, 1998

S.O. 132.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Vinsons and their workman, which was received by the Central Government on the 18-12-1998.

[No. L-31012/16/97-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/3 of 1998

EMPLOYERS IN RELATION TO THE MANAGEMENT OF M/S. VINSONS

AND

Their Workmen

APPEARANCES :

For the Employer : Mr. V. Narayanan, Advocate.
For the Workmen : Mr. M. B. Anchan, Advocate.

Mumbai, dated the 25th November, 1998

AWARD

The Government of India, Ministry of Labour by its Order No. L-31012/16/97-IR(Misc.) dated 31-12-97, had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of M/s. Vinsons in terminating the services of Shri P. M. Yadav is justified? If not, to what relief the workman is entitled?"

2. The workman in his Statement of Claim contended that he was appointed as a chageman by M/s. Vinsons, Stevedores in May 1978. He was promoted as a foreman in February 1980, somewhere in 1985 his designation was changed from foreman to dock officer. From 1-1-1994 his designation was changed from dock officer to Assistant Cargo Superintendent without increasing the salary. He pleaded that his services were terminated on 24-4-1996 on the flimsy ground that he did not attend the meeting called by the management.

3. The workman pleaded that looking to the nature of work he carried out, he is a workman within the meaning of section 2(s) of the Industrial Disputes Act of 1947. It is averred that before terminating the service he was not given

any notice nor retrenchment compensation is contemplated under the Act. He asserts that the action of the management is illegal and therefore he may be reinstated in service in continuity alongwith back wages.

4. The management resisted the claim by the written statement (Ex-5). It is averred that the Tribunal had no jurisdiction to decide the reference. That Yadav is not the workman within the meaning of section 2(s) of the Industrial Disputes Act of 1947. It is submitted that the action of the management of terminating the service of Yadav is perfectly legal and proper. It is prayed that the reference may be answered accordingly.

5. I have framed issues at Exhibit-6. In view of the subsequent development which I will be narrating below it is not necessary to give the issues and my findings thereon.

6. Yadav lead his oral evidence at Ex-9 and Adyani the manager lead his evidence on behalf of the management at Exhibit-11. Then the matter was posted for arguments. Mr. Narayanan, the Learned Advocate for the management filed his written argument at Exhibit-13 on 17-11-1998. On that day the Learned Advocate for the workman requested that the matter may be adjourned for filing his written argument. It was posted to 19-11-1998. On that day workman filed an application Ex-14 contending that he is not in position to attend the Tribunal for the hearing purposes. He further submitted that due to some trouble at his home town his ill health and family circumstances he is unable to present himself in Mumbai and therefore decided to drop the case and not pursue the matter any further. An order was passed other side to say.

7. Mr. Narayanan, the Learned Advocate for the management filed his say at Exhibit-15. He contended that the matter is over. He had already filed a written argument and the presence of Yadav is not at all necessary. It is therefore the matter may be decided on merits on hearing the arguments above. He further pleaded that if the Tribunal decided to disposed off the reference without merits heavy costs of Rs. 15,000 may be awarded.

8. It is very clear from the purshis (Ex-14) that the workman does not want to proceed any further. In normal case if such a situation had arise in the Civil Court definitely the other side would have received the costs. It cannot be lost sight here that this is an industrial dispute and what is to be seen is peace in the industry. The workman wants to settle the matter by withdrawing from it. So far as the sake of argument if it is said that if the matter turns against him he is likely to go to High Court. So is the case of the management. It is always said in an industrial dispute approach of the Tribunal should be to settle the matter first instead of adjudicating the same. That creates the peace in the industry. I find that here in this case as the workman wants to withdraw from the proceedings without claiming anything that will necessarily create peace in the industry. Awarding costs for such a withdrawal will further lead to complications. Under such circumstances I pass the following order :

ORDER

The reference is disposed off as not pressed. No order as to costs.

S. B. PANSE, Presiding Officer.

नई दिल्ली, 22 दिसम्बर, 1998

का.आ. 133 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 अनुसरण में केन्द्रीय सरकार मथुरा रिफाइनरी यूनियन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[सं. एल-3001/5/86-डी-III-बी. डी. IV- बी)]

श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 22nd December, 1998

S.O. 133.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union of Mathura Refinery and their workman, which was received by the Central Government on 21-12-98.

[No. L-30011/5/86-D-III-B-D-IV-B]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING
OFFICER : CENTRAL GOVT. INDUSTRIAL

TRIBUNAL : NEW DELHI

I.D.No 81/87

In the matter of dispute between :

Shri B. K. Saraswat through

The Secretary, INTUC,

2/236, Namner, Agra.

Versus

The General Manager,

Mathura Refinery,

Mathura.

APPEARANCES : None.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-30011/5/86-D.III.B/D.IV-B dated 24-8-87 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the enquiry conducted by the Management of Mathura Oil Refinery, Mathura against Sri B. K. Saraswat, Tech. Grade III resulting in imposition of punishment of withholding of his increment is legal and in order? If not, to what relief the workman is entitled?”

2. Shri B. K. Saraswat workman in this case has alleged that he was the General Secretary of the Union of Mathura Refinery Mathura. A charge sheet dated 3-7-84 was issued to him on the basis of which a domestic enquiry was proposed. The enquiry officer who conducted the enquiry did not permit him to engage representative of his choice to defend his case during the enquiry. The workman was also not supplied with the certified copies of the statements/witnesses nor the list of witnesses. Proceedings were conducted in illegal manner and in violation of well laid principles of natural justice. Enquiry was thus not fair and proper.

3. The Management in its written statement alleged that the enquiry conducted by the enquiry officer in this case was fully justified and full opportunity was afforded to the workman to participate in the enquiry and he was allowed to engage representative of his own choice. Shri S. N. Tiwari who was asked for by the workman to be his representative was not allowed because he was not an office bearer of the trade union of which a claimant was a member nor was he a co-worker of the Mathura Refinery under the Model standing Orders. He could not be allowed by the enquiry officer. The enquiry was conducted in a lawful manner and a full opportunity was afforded to the workman who had been appearing in the enquiry but declined to engage the witness solely on the ground that he was not allowed to be represented by Shri S. N. Tiwari who was his own choice. This stand of the workman was not justified and the order of the enquiry officer not to permit S. N. Tiwari as his representative was fully justified. The enquiry was therefore conducted according to rules and principles of natural justice.

4. The Management examined Shri R. P. Singh MW1 while the workman himself appeared as MW1 in support of his case.

5. I have heard representatives for the parties and have gone through the written arguments.

6. The sole point taken up in the entire case was as to whether the action of the enquiry officer in not permitting the workman to be represented by S. N. Tewari was justified or not. It has been alleged by the management that Shri S. N. Tiwari was in different refinery which was different Unit than the Mathura Refinery. He was allowed to be represented by one Shri I. P. Dutta in a different enquiry but in that enquiry misconduct related to the incident occurred at Baroni when I.P. Dutta was posted there. Shri I. P. Dutta was not a workman but an officer governed by the conduct Disciplinary and Appeal Rules 1980 and not by the standing orders. The workman was allowed to get himself represented by any other co-workman of Mathura Refinery but he refused to get defended from any other co-worker. The workman had deliberately given the name of one person who was not from Mathura Refinery and he was not office bearer of trade union of which claimant was a member. Model Standing Orders were applicable to the workman at Mathura Refinery and according to those orders he could be represented by a co-worker or by a union leader of which he was a member. The workman has participated in the proceedings through a co-worker and there was no question of any prejudice being caused to him. In case he was not allowed to be represented by S. N. Tewari he has to show that some prejudice was caused to him due to non

representation of Shri Tewari during the enquiry. He has failed to show any prejudice being caused to him because of S. N. Tewari not being his representative during the enquiry. No other point is material for discussion in this case. I, therefore, of the opinion that the enquiry conducted by the management of Mathura Refinery against Shri B. K. Saraswat was legal and in order. He was not entitled to any relief in this case. Parties are, however, left to bear their own costs.

10-11-98.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1998

का.ग्रा. 134.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-12-98 को प्राप्त हुआ था।

[सं. एल-11012/6/96-आईएमएर (सी-I)]

श्याम सुन्दर, मुप्ता, डेस्क अधिकारी

New Delhi, the 30th December, 1998

S.O. 134.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India and their workman, which was received by the Central Government on 29-12-98.

[No. L-11012/6/96-IR (C-I)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA ; PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 33/97

In the matter of dispute between :
Shri Balbir Singh S/o Shri Sant Singh,
r/o WZ-5/1, Ram Nagar, Tilak Nagar,
New Delhi-110018.

Versus

Air India,
Himalaya House, K. G. Marg,
New Delhi.

APPEARANCES : None for the workman.

Shri Dharmesh Srivastava for the Management.

AWARD

The Central Government in the Ministry of Labour vide its order No. L/-11012/06/96-I.R. (C-I) dated 31st March, 97 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the demand for reinstatement made by Shri Balbir Singh alleging that he was illegally terminated by Air India Ltd., w.e.f. 14-12-1989 is legal and justified ? If so, what relief is the concerned workman entitled and from which date ?”

2. The workman in his statement of claim alleged that he was ex-service man having retired from Indian Army and was appointed by the Management of Air India on temporary basis w.e.f. 21-6-88 to 8-9-88, 14-9-88 to 13-10-88 21-8-89 to 8-11-89, 31-1-89 to 20-4-89, 26-4-89 to 25-5-89, 14-11-89 to 13-12-89. He was declared permanent driver w.e.f. 1-12-89. He was medically examined by Dr. Ranbir Chaudhary of Air India but was declared unfit. He was not intimated the reason as to how he has been so declared. He was, however, re-medically examined by Dr. Ram Manohar Lohia Hospital where he was declared normal. He sent representation to the authorities on 13-2-95 for reinstatement but no reply was received. Hence this reference for reinstatement.

3. Notice of the case was given to the management and the Management in its written statement alleged that the case of the workman was liable to be rejected as the same was filed after a lapse of 7 years. His services were terminated because he was not found medically fit for the post of the Driver. The workman did not appear for filing rejoinder and admission of documents on 1-9-97 was proceeded against exparte.

4. The Management examined Shri Azeem Akhtar as their witness and filed written arguments.

5. I have heard representative of the Management and gone through the record.

6. Management has proved that the workman was declared medically unfit for the post of driver and he could not be retained on the said post. The management has also cited various authorities in which it has been held that on account of a workman disease or incapacity or disability in functioning the resultant product or the service is likely to be affected in any way or to become a risk to the health, life

or property of the consumer the disease or incapacity is to be categorised as ill-health for the purposes of the said sub-clause. In the present situation, the workman has not produced any evidence nor himself has come into the witness box nor gave any explanation for delay in coming to the court after a gap of 7 years, so there does not seem to be any reason for the Tribunal to interfere in the order of the Management. From these circumstances it appears that the action of the management was fully justified. Reference is answered accordingly. Parties are, however, left to bear their own costs.

16-12-98

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1998

का.प्रा. 135.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्काईलाइन एन. ई. पी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-98 को प्राप्त हुआ था।

[सं. एल-11012/47/96-आई आर (कोल-I)]
श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 30th December 1998

S.O. 135.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Skyline NEPL and their workman, which was received by the Central Government on 24-12-98.

[No. L-11012/47/96-IR (Coal-I)]
S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA :PRESIDING
OFFICER : CENTRAL GOVT. INDUSTRIAL
TRIBUNAL : NEW DELHI

I. D. No. 161/97

In the matter of dispute between :

Shri Anil Kumar Chaturvedi,
Security Asstt.,
36, C. LIG Flats, Near Swarg Ashram,
Mayapuri, New Delhi.

Versus

The Manager (HRD),
Sky Line NEPC, (Erstwhile Damania Airways)
Palam Airport, New Delhi.
APPEARANCES : None.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/47/96-IR (Coal-I) dated 13-10-1997 has referred the following industrial dispute to this Tribunal for adjudication:—

“Whether the action of the management of Skyline NEPC in terminating the services of Shri Anil Kumar Chaturvedi, Security Asstt. w.e.f. 9-1-96 is just fair and legal? If not, to what relief is the concerned workman entitled and from which date?”

2. Notice of the matter was sent to both the parties on the address furnished by the Ministry but no body has ever appeared inspite of notice having been sent to them in the ordinary way as well as registered post. It was the duty of the workman himself to come and filed statement of claim as per notice dated 13th October, 97 sent by the Desk Officer by the Ministry of Labour to him. It appears that the workman is not interested in this dispute. No dispute award is given in this case leaving the parties to bear their own costs.

4th December, 1998

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 21 दिसम्बर, 1998

का.प्रा. 136.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार गोम्बपुर क्षेत्रीय ग्रामीण बैंक गोम्बपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-98 को प्राप्त हुआ था।

[सं. एल-12011/17/97-आई आर (बी-I)]
मनानन, डेस्क अधिकारी

New Delhi, the 21st December, 1998

S.O. 136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur

as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Gorakhpur Kshetriya Gramin Bank and their workman, which was received by the Central Government on the 18-12-1998.

[No.L-12011/71/97-IR (B.I)]

SANATAN, Desk Officer

ANNEXURE

Before Shri B. K. Srivastava, Presiding Officer, Central Govt. Industrial Tribunal Cum Labour Court, Deoki Palace Road, Pandu Nagar, Kanpur

Industrial Dispute No. 168 of 1998

In the matter of dispute between:

General Secretary

Gorakhpur Kshetriya Gramin Bank Karamchari Sangh

C/0618, Wuliya Railway Colony,

Gorakhpur.

AND

Chairman

Gorakhpur Kshetriya Gramin Bank

Head Office Mohdipur

Gorakhpur

AWARD

1. Central Government, Ministry of Labour New Delhi vide its Notification No. L-12011/71/97-I.R.(B-I) dated 28-8-98 has referred the following dispute for adjudication to this Tribunal:

Whether the action of the management of Gorakhpur Kshetriya Gramin Bank in regularising the part time staff from the date other than the date of appointment is justified? If not to what relief the employees are entitled to?

2. It is unnecessary to give details of the case as after sufficient service concerned workman has not file claim statement. Hence the reference is answered against the workman for want of prosecution and proof and he is not entitled for any relief.

B. K. Srivastava, Presiding Officer

नई दिल्ली, 21 दिसम्बर, 1998

का.प्रा. 137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इटावा क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-1998 को प्राप्त हुआ था।

[सं. एल-12011/64/97-आई आर (बी-1)]

सनातन, डेस्क अधिकारी

New Delhi, the 21st December, 1998

S.O. 137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Etawah Kshetriya Gramin Bank and their workman, which was received by the Central Government on 18-12-1998.

[No. L-12011/64/97-IR(B.I)]

SANATAN, Desk Officer

ANNEXURE

Before Sri B. K. Srivastava, Presiding Officer Central Government Industrial Tribunal cum Labour Court, Pandu Nagar, Kanpur.

Industrial Dispute No. 167 of 1998

In the matter of dispute between :

Sri R. K. Sharma,

General Secretary,

Etawah Kshetriya Gramin Bank Staff Association, 39, Kunchia Sheelchandra, ETAWAH-206001.

AND

The Chairman

Etawah Kshetriya Gramin Bank,

123.A, Civil Lines, Etawah-206001

AWARD

1. The Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12011/64/97- I.R.(B-I) dt. 28.8.98, has referred the following dispute for adjudication to Tribunal—

“Whether the action of the management of State Bank of India in not issuing incadre promotional allowance to the four employees Shri K.P.Singh, Shri Anand Shanker Pandey, Shri Lalit Kishore Pandey and Shri A.N. Pandey is justified or not in view of the action of the management in case of Sh. M.S. Srivastava, who was paid the same allowance in similar circumstances? If not what relief the workmen are entitled to?”

2. It is unnecessary give the details of the case as after sufficient service the concerned workman has not file claim statement. Hence the reference answered against the concerned workman for want of prosecution and proof.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 दिसम्बर, 1998

का.आ. 138.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, स्टेट बैंक आफ इंडिया, मेरठ के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-11-1998 को प्राप्त हुआ था।

[नं. एल-12012/223/97-आई आर (बी-1)]
सनानन, डेस्क अधिकारी

New Delhi, the 21st December, 1998

S.O. 138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Meerut and their workman, which was received by the Central Government on the 18-11-98

[No. L-12012/223/97- IR (B.1.)]
SANATAN, Desk Officer

ANNEXURE

Before Sri B.K. Srivastava Presiding Officer, Central Government Industrial Tribunal cum Labour Court, Pandu Nagar, Kanpur.

Industrial Dispute No. 65 of 1998

In the matter of dispute between—

Sri Anil Kumar Srivastava C/o V.K. Gupta
2/363 Namner, Agra.

And

The Assistant General Manager
State Bank of India, Zonal Office
Meerut.

Appearance : Sri V.K. Gupta for the workman and Sri S.N. Sharma for the State Bank of India.

AWARD

1. Central Government, Ministry of Labour, vide notification No. L/12012/223/97-JR (B-1) dated 27-4-98, has referred the following dispute for adjudication to this Tribunal —

Whether the action of the management of State Bank of India Meerut to dismiss Sri Anil Kumar Srivastava clerk from service is legal and justified? If not he is entitled to what relief?

2. Anil Kumar Srivastava was admittedly working as teller at Ghaziabad Branch Main of the opposite party Stage Bank of India. He was issued a charge sheet dated 6-7-90 which runs as under —

(a) On 1st August 1989 you left office without tellying your cash or handing over the same to anybody of informing any responsible official of the bank.

(b) On 1st August 1989 you made payment of withdrawal of Rs. 1,000.00 from the teller counter relating to Saving Bank withdrawal of S/B A/C No. 6281 of Sri Mohan Lal to one Smt. Mamta. You paid the withdrawal without pass book and verified the thumb impression yourself. You also marked the withdrawal as posted under your own initials when the same was not posted.

(c) You paid a withdrawal of Rs. 200.00 of Sri Pooran Singh messenger while working on teller receipt counter on 1-8-89 when Sri Poorna Singh had no balance in his account. You had vide your letter dated 3-4-89 assured the bank that no lapse will be committed in future.

(d) You on 14-1-87 while working as teller lost one draft No. OT/A 88-287694 duly signed by manager PBD.

(e) On 11-4-89 you had authorised payment of bill No. 4208 for Rs. 19/- from the charges account for which you were not authorised.

(f) On the 9th June 88 you had paid a saving bank withdrawal for Rs. 1200/- purported to have been signed by one Sri Brij Pal Saving bank account No. 8882. There is no such account bearing No. 8882 in the name of Sri Brij Pal.

(g) You had deposited lost draft for Rs. 15,5000.00 fvg Sri Blajanlal holder of S/B Account No. 38695 drawn on your Ranaprpa Bagh Branch. You also prepared the S.C. Collection schedule for our Ranapartap Bagh Delhi branch despite the fact that you were working in account Section.

One O.P. Gupta was appointed enquiry officer. After completing enquiry he submitted his report dated 29-9-91 holding that all the charges were proved. Agreeing with this report after issuing usual show cause notice, the disciplinary authority has passed dismissal order by way of punishment order dated 10-8-91, appeal too dismissed on 7-8-92. Feeling aggrieved the concerned workman has raised the instant industrial dispute,

3. In the claim statement, inter alia, the fairness and propriety of domestic enquiry was assailed which fact was denied by the bank, hence following preliminary issue was framed —

Whether domestic enquiry conducted by the bank is fair and proper?

4. At the outset it may be mentioned that the authorised representative of the concerned workman had conceded that there was no procedural lapse. His only objection is that charge no. 7 was vague and further finding are perverse.

5. I have both sides and I find substance in the contention of the authorised representative of the workman that charge No. 7 is vague as the date of commission of this misconduct and draft No. of Rs. 150000/- has not been given. In its absence I feel that this charge is vague.

6. With regard to remaining six charges, I find that the management has examined Salim-muddin A.K. Jain O.P. Garg and R.L. besides Ext. M-1 to M-14 were filed. Workman has examined O.P. Beri W.W.1 to prove sudden illness of the concerned workman under charge No. 1. Besides Swaminath Mishra W.W.2 and concerned workman Anil Kumar Srivastava W.W.3 were examined. Having gone through the record I find that apart from the evidence of these witness the case of the management was proved on the basis of admission made by the concerned workman as well in Ext.M-4. Hence these six charges are fully proved.

7. As regards quantum of punishment it will be evident that six charges do not relate to misappropriation of money as such question of loss of confidence does not arise. Further these acts of misconduct are by way of negligence. There are no adverse antecedents. Hence I feel that economic death sentence by way of dismissal is disproportionate to misconduct. Stoppage of three increments by way of punishment with cumulative effect would meet the ends of justice.

8. Accordingly my award is that dismissal of the concerned workman by order dated 10-8-91 is not justified. Instead punishment by way of stoppage of three increment with cumulative effect is awarded. The concerned workman will be entitled for back wages.

E.K. SRIVASTAVA Presiding Officer

नई दिल्ली, 22 दिसम्बर, 1998

का.ग्रा. 139.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार भारतीय स्टेट बैंक, देहरादून के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-98 को प्राप्त हुआ था।

[सं. एल-12012/203/91-आई आर (बी-3)/बी-1]
सनातन, डेस्क अधिकारी

New Delhi, the 22nd December, 1998

S.O. 139.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhartiya State Bank, Dehradun and their workman, which was received by the Central Government on the 22-12-1998.

[No. L-12012/203/91-IR (B.3)B.I.]
SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPAT SHARMA : PRESIDING
OFFICER CENTRAL GOVT. INDUSTRIAL
TRIBUNAL NEW DELHI.

I.D. No. 109/91

In the matter of dispute between :

Shri D.K. Shukla Teller,
Through Up Mahasachiv,
State Bank of India Staff Association,
State Bank Colony, Raipur Road,
Dehradun- 248001.

Versus

Prabandhak (Accounts)
Bhartiya State Bank,
2 Convent Road,
Dehradun-248001.

Appearance : None for the workman.

Shri Rajiv Mishra for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/203/91-I.R.(B-3)

dated 19-9-91 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of State Bank of India, Dehradun, in making a recovery of Rs. 2453.43 from the salary of Shri D.K. Shukla, Teller, is legal and justified. If not, to what relief the workman is entitled to ?”

2. The workman in his statement of claim has alleged that he was working as Teller in the Management of Dehradun Main Branch and a sum of Rs. 2453.43 p was being illegally recovered from his salary without assigning any reason.

3. Management filed written statement justifying its action in making the said recovery.

4. The management examined Shri K.K. Bidhani MW1 in support of its case but the workman did not produce any evidence and absented himself in the case. He was sent registered notice also but did not turn up. It was finally on 9-12-97 that he was proceeded against ex-parte.

5. I have heard representative for the management and gone through the record.

6. The Management has alleged that the recovery was made on account of officiating allowance wrongfully claimed by the claimant for the period October, 88 to October, 89. This payment was made to him on his representation that he had worked for the officiating capacity as officer during the said period.

7. During the course of scrutiny and audit it came to the knowledge of the Bank that the concerned workman has not officiated for the period, October, 88 to October, 89 as an Officer of the Bank. Accordingly, a letter was issued to the Branch Manager by the Deputy General Manager of the Bank on 11-9-90 that recovery should be made from the salary payable to the workman. Accordingly, the management issued a notice on 6-10-90 in which the workman was informed that on account of non performance of the duties of the Officer grade he was not entitled to officiating allowance drawn by him. This notice is on the record of the Tribunal as Annexure to the written statement. However, to avoid hardship to the workman, the amount was recovered in instalment of Rs. 500/- per month as stated in para 18 of the written statement made by the Management.

8. The management also filed an affidavit of Shri K.K. Bidhani who has specifically stated in para 5 that during the relevant period the workman had

not officiated at the higher post to claim allowance. It was explained that in the duty allotment register which contains the record relating to clerical cadre employees who are asked to perform supervisory duties, no such officiating duty was allowed or performed by the concerned workman. The evidence led on behalf of the management has remained un-rebutted.

9. In view of the situation explained by the management in its written statement and written arguments referred above no ground to allow any relief to the workman is made out and the action of the management was fully justified. Parties are, however, left to bear their own costs.

GANPATI SHARMA, Presiding Officer

30-11-1998

नई दिल्ली, 22 दिसम्बर, 1998

का.आ. 140.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार कर्नाटक बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में लेबर कोर्ट, मैंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[सं. एल-12012/98/96-आई.आर. (बी-1)]
सनातन, डेस्क अधिकारी

New Delhi, the 22nd December, 1998

S.O. 140.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Mangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Karnataka Bank and their workman, which was received by the Central Government on the 21-12-1998.

[No. L-12012/98/96-IR(B-I)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER,
LABOUR COURT MANGALORE
REFERENCE ID (LCM) No. 17 OF 1997
Dated this the 31st day of October, 1998

PRESENT :

By Abdul Rasheed Siddiqui, B.A., LL.B., Districts and Sessions Judge, OJD, Presiding Officer, Labour Court, Mangalore.

I PARTY

The General Secretary,
Karnataka Bank Staff
Association, No. 67,
2nd Floor, K. H. Road,

Shanthinagar,
Bangalore-560 027.

II PARTY

The Asstt. General Managere, IR,
Karnataka Bank,
Head Office,
Mangalore.

APPEARANCES :

For the I Party : NIL.

For the II Party : Sri K. S. Bhat, Advocate.

ORDER

The Government of India in their Order No. L-12012/98/96-IR (B.I.) dated 11-7-97, being of the opinion that an Industrial Dispute existed between the I Party workman and namely, Sri U. Sudhakar Shetty, and the Management namely, the Karnataka Bank, has referred the dispute for adjudication to this Court under Sec. 10 of the Industrial Disputes Act, 1947.

2. The points of dispute runs as under :—

“Whether the Management of Karnataka Bank is justified in imposing the punishment of stoppage of two annual increments with cumulative effect, on Sri U. Sudhakar Shetty, Clerk ? If not, to what relief the workman is entitled ?”

3. On the receipt of the Reference, this Court issued notices to the I Party workman as well as the II Party Management returnable by 10-9-97, on which date, Sri K. S. Bhat Advocate put in appearance for the II Party. I Party since did not appear in response to the ordinary notice issued by this Court, fresh notice was issued to him by RPAD returnable by 29-10-97. On 31-12-97, Sri S. N. Bhat made an undertaking before this Court to appear for the I Party on the next date of hearing. On 5-2-98, 27-2-98, 10-8-98 and 5-10-98 when the case was being called under the appearance of the I Party, I Party workman as well as Sri S. N. Bhat remained absent. In the meanwhile, on 10-8-98 Sri K. S. Bhat for the II Party filed memo along with xerox copy of the memo filed by the I Party workman before the Central Government Industrial Tribunal-cum-Labour Court, Bangalore, wherein the I Party workman had requested the said Court to dispose of the Reference mentioned therein as not pressed. On 5-10-98, I have heard learned counsel for the II Party on the above said memo and maintainability of the Reference on hand before this Court, and following order is being passed.

4. Learned counsel Sri K. S. Bhat in the first instance submitted that the reference on hand being from Government of India it ought to have been sent to the Central Government Industrial Tribunal-cum-Labour Court, Bangalore and therefore, the Reference on hand may be returned back to the Government of India to refer it to proper forum. Secondly, he stated that the workman before the said Industrial Tribunal had filed a memo not pressing his Reference. With regard to the transfer dispute and therefore, it could be made out from the said memo that proper Court to entertain the dispute on hand rather the

reference on hand is Central Government Industrial Tribunal at Bangalore and not this Court. I find substance in his arguments. As seen above, I Party workman was served notice of hearing in this case by RPAD on 6-10-97. Sri. S. N. Bhat, Advocate on behalf of the workman made an undertaking before this Court to appear for the I Party workman but did not do so despite availing sufficient opportunity in this regard. Therefore, as it is it appears that the workman is not interested in prosecuting the case perhaps for the reason that this Court need not go into the dispute under Reference for want of jurisdiction. Secondly, as contended for the II Party Management, the Reference to this Court is made by the Government of India. II Party Management in this case is a Karnataka Bank and the Banking being the Central subject, the dispute ought to have been referred to Central Government Industrial Tribunal, Bangalore. It appears that by oversight the Reference on hand instead of being sent to Central Government Industrial Tribunal at Bangalore is sent to this Court. Therefore, it will not be proper for this Court rather this Court would be committing illegality in usurping the jurisdiction of Central Industrial Tribunal if sits upon the Reference on hand to decide the issue in between the above said rival parties. Therefore, it will be in the interest of both the parties to send back the Reference on hand to the Government of India for further needful action in the matter. Hence the following Order.

ORDER

Reference is ordered to be return back to Government of India for further necessary legal action in the matter.

ABDUL RASHEED SIDDIQUI, Presiding Officer

नई दिल्ली, 28 दिसम्बर, 1998

का.प्र. 141.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. ई. एस., देहरादून के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-98 को प्राप्त हुआ था।

[सं. एल-14011/5/93-आई आर (डीयू)]

के. वी. बी. उन्नी, अवसर सचिव

New Delhi, the 28th December, 1998

S.O. 141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M.E.S., Dehradun and their workman, which was received by the Central Government on the 28-12-98.

[No. L-14011/5/93-IR (DU)]

K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER: CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I.D.No.108/94

In the matter of dispute between :

Shri Prem Singh & Others,
through Shri Kishori Lal Punj,
President, M.E.S. Karamchari Union,
Branch Office M.E.S. Clament Town, Dehradun-248001.

Versus

The Garrison Engineer M.E.S.,
Clament Town, Dehradun-248001.

APPEARANCES: Shri K. C. Adlakha Assistant Garrison Engineer for the Management. None for the workman.

AWARD

The Central Government in the Ministry of Labour vide its order No.L-14011/5/93-JR (DU) dated 3-10-94 has referred the following industrial dispute to this Tribunal for adjudication:—

“Whether the action of the management of M.E.S. by refusing to correct the pay anomalies exists in the pay of S/Shri Prem Singh Meter Reader and eighteen other employees and also allowing the juniors to draw more pay, is legal and justified? If not, to what relief the workmen concerned are entitled?”

2. The workman in his statement of claim alleged that there was anomaly in the pay fixation of the workmen and the next junior to the petitioners were getting more pay on their promotion from the grade of labourer to mate on their promotion. This anomaly was to be rectified and the senior petitioners were entitled for stepping up of their pay with the date of promotion with their respective juniors. The affected petitioners made their individual representations to the concerned Management to remove the anomaly but the management did not care their representation favourably. The petitioner, therefore, have got this reference made to the effect that benefits of Govt. orders and instructions under Note of Rule 1(7) C.C.S.(Pay Revised) Rules 1968 may be extended to the senior petitioners for stepping up of their pay with their respective pay level of their junior with ante-dating their next increment date with their junior date of promotion to remove the anomaly, and to pay the arrears of pay and allowances with consequential benefits as accrue to them on correct re-fixation of pay and stepping up their pay with junior level of pay and 12% interest on the arrears of pay and allowances from the date they

are entitled till payment of arrears is made. An award may be given to re-fix the pay of petitioners on promotion in accordance with Govt. OM No.1/2/86.Estt.(Pay-I) dated 17-5-88 and to pay the arrears of pay and allowances with all consequential benefits with minimum increase of pay of Rs. 25/- in lower post while fixing pay in higher post of promotion.

3. Notice of the reference was sent to the Management and the Management filed written statement and reply to this statement of claim.

4. The Management did not produce any evidence inspite of opportunities having been granted to them. The case was fixed for arguments and on that date Shri K.C. Adlakha, Assistant Engineer on behalf of the Management made statement admitting the claim of the workman and stated that the award in terms of the statement of claim may be given.

5. In view of the admission made by the management in the court I do not find any reason to disagree with the claim made by the workman. I, therefore, order that the workmen were entitled to the relief sought by them in sub-para 1 and 2 under the heading relief sought of the statement of claim. Parties are, however, left to bear their own costs. 2-12-98.

GANPATI SHARMA Presiding Officer

नई दिल्ली, 16 दिसम्बर, 1998

का.प्रा. 142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-1998 को प्राप्त हुआ था।

[सं. एल.-32012/13/89-आई.आर. (विधि)]

के.वी.बी. उन्नी, अवसर सचिव

New Delhi, the 16th December, 1998

S.O. 142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on the 16-12-98.

[No. L-32012/13/89-JR (Misc.)]

K. V. B. UNNY. Under Secy.

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA
Reference No. 14 of 1998

Parties :

Employers in relation to the management of
Calcutta Port Trust

AND

Their workmen.

Present :

Mr. Justice A. K. Chakravarty, Presiding Officer.

Appearance :

On behalf of Management : Mr. G. Mukhopadhyay, Senior Labour Officer (IR) and
Mr. M. K. Das, Senior Labour Officer (IR).

On behalf of Workmen : Mr. S. Das, Secretary
of the union and Mr. P. C. Mondal, Executive
Committee member of the union.

STATE : West Bengal

INDUSTRY : Port

AWARD

By Order No. L-32012/13/89-IR (Misc.) dated
29-5-1998 the Central Government in exercise of its
powers under section 10(1)(d) and (2A) of the
Industrial Disputes Act, 1947 referred the following
dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Port Trust in transferring Shri Kumar Chandra Bagchi, Lc. Driver working under Engineer Suptd. D.M.D., Deptt. of Calcutta Port Trust from Calcutta based tug to Haldia based tug is justified. If not, what relief the workman is entitled to ?"

2. The reference under consideration has arisen at the instance of National Union of Waterfront Workmen (I), Calcutta (in short the union). Its case, in short, is that the concerned workman Shri Sukumar Bagchi was appointed on 13-9-1961 by the management of Calcutta Port Trust (in short the management) and he was posted in the Marine Department. He got his promotion as Licensed Driver II of the CPT vessels under the control of the Engineer Superintendent. He continued to work in the same section till he was sent to Haldia tug (tug Mandadari) on promotion to Lc. Driver I on 1-6-1988 (vide Engineer Suptd.'s Order No. ES/A/III/476 dated 30-5-1988). He thereafter applied for his reversion from Lc. Driver I to Lc. Driver II with a view to get himself transferred to Calcutta based tug on 19-9-1988 for private and family reasons. He again applied on 1-11-1988 for his transfer from tug Mandadari to Calcutta based vessel foregoing promotion in future. Upon consideration of these two representations, the Engineer Suptd. issued transfer order transferring Shri Bagchi from tug Mandadari to Calcutta based tug Golap by arrangement Order No. ES/A.

II/931 dated 11-11-1988. By such transfer to Calcutta his pay was reduced. The management having again wanted to promote and transfer the concerned workman to Haldia based vessel against his desire that the present dispute has arisen. The attempt of conciliation having failed the matter was referred to this Tribunal for adjudication by the Central Government. The union has challenged the action of the management on the ground that the concerned workmen being essentially a Calcutta based staff cannot be transferred against his desire to Haldia based vessel, particularly after the acceptance of his reversion to Lc. Driver II by the management. The union has accordingly prayed for a direction upon the management not to insist on his transfer to Haldia based vessel.

3. The management in its written statement has alleged that the Haldia Dock Complex under the Calcutta Port Trust started functioning from 27-2-77. For the dock system at Haldia, 5 tugs, namely, Ahalya, Draupadi, Tara, Kunti and Mandadari were procured by the Calcutta Port Trust in order to assist berthing and unberthing of the vessels at the jetty for towing. These five tugs since taking over from their builders did not work in Calcutta. Initially all the members of the crew of these tugs have been working in different Calcutta based vessels/crafts. Concerned workman was one of the crew members attached to the tug Mandadari. Crew members of the five Haldia tugs were advised in 1985 to submit their option for their adjustment at Haldia as Haldia based crew. An objection was raised by the union and it demanded certain additional allowance. The matter was then referred to the arbitration. The Arbitrator gave his award on 25-5-1987 increasing the allowance of the crew members of the five Haldia based tugs to an additional 12-1/2 per cent from 1-2-1985. The crew members thereafter was asked on 2-9-1987 to submit their options expressing their willingness either to be absorbed at Haldia or to be reverted back to Calcutta. Being aggrieved by the aforesaid order, Calcutta Port Shramik Union raised an industrial dispute and the proceeding before the Assistant Labour Commissioner (Central), Calcutta ended in failure. In the meantime the parties arrived at certain consensus to resolve the issue. A memorandum of settlement under section 12(3) of the Industrial Disputes Act, 1947 was signed by the management of Calcutta Port Trust and the Calcutta Port Shramik Union on 31-7-1988 before the Joint Chief Labour Commissioner (Central), New Delhi. In terms of that memorandum of settlement the crew members attached to the aforesaid five Haldia tugs on roll on 1-5-1988 were made Haldia based and their lien beyond 1-5-1988 in service in the present establishment in Calcutta was retained for specific purpose of collection of retirement benefits/monthly pension. The name of the concerned workman appeared in Sl. No. 1 in the list of crew members of the tug Mandadari in the list attached to the memorandum of settlement. The concerned workman was also enjoying the benefit of the said settlement. It is alleged that the terms of the aforesaid settlement being binding on the workman he is not entitled to be posted in the Calcutta establishment. Regarding his subsequent transfer to Calcutta it is alleged that the concerned workman was allowed to work

in Calcutta based vessel temporarily for a new months solely on compassionate ground, but that did not confer upon him any right to change his position from Haldia based crew member to Calcutta based crew member. It is also alleged that when he was attached to Calcutta based vessel he enjoyed the pay and allowances as admissible of the post to which he was attached. Management also denied that the concerned workman was transferred to Haldia against his will. Management accordingly alleges that the transfer of the concerned workman to Haldia Dock Complex as a crew of tug Mandadari was justified. It has accordingly prayed for dismissal of the union's case.

4. The union filed a rejoinder denying the management's allegation that the Haldia based tugs operate only at Haldia and not in Calcutta and that the concerned workman was promoted to LC. Driver in tug Mandadari only in the middle of 1988. It is further alleged that the mentioning of name of the concerned workman in the list is wrong as he was not on roll of crews of Haldia based tugs on 1-5-1988 which was the date mentioned in the settlement for inclusion of names of the crews attached to these tugs. It is further alleged that since the concerned workman did not opt for changing his base from Calcutta to Haldia, the management had no right to post him at Haldia. Rest of the allegations are repetitions of what was stated in the written statement of the union.

5. Heard Mr. G. Mukhopadhyay, representative of the management and Mr. P. C. Mondal, representative of the union.

6. Both the parties have filed certain documents and in addition the union has examined the concerned workman.

7. Admittedly, the concerned workman was working as Licensed Driver II on the CPT vessel at Calcutta. It is also admitted that he was sent to Haldia tug (tug Mandadari) on promotion to Licensed Driver I on 1-6-1988. It is also admitted that he made two applications dated 19-9-1988 and 1-11-1988 for his transfer to Calcutta and that on the basis of the said representations he was transferred to Calcutta on 11-11-1988. It is also not denied that he is getting lesser pay in Calcutta on account of his transfer to Calcutta.

8. The union has challenged the transfer of the concerned workman to Haldia as LC. Driver of the Mandadari on several grounds, namely, that, he had not the qualifications for appointment as LC. Driver and that his option was not taken before posting him at Haldia and also that after he had been transferred to Calcutta for which he was drawing lesser pay than what he drew at Haldia that he cannot be transferred to Haldia. The management, on other hand, strongly relied on the tripartite settlement dated 31-7-1988 vide Ext. M-3 in support of its contention that the concerned workman has no right to claim posting in Calcutta.

9. In so far as the lesser qualification of the concerned workman for appointment in tug Mandadari is concerned. I do not find from his evidence that

any fixed qualification was prescribed for appointment as a member of the crew of the said tug. It however appears from the written statement of the union that the concerned workman was sent to Haldia tug (tug Mandadari) on promotion to LC. Driver I on 1-6-1988. It is not the case of the union that the concerned workman made any prayer for foregoing his promotion. It is true that subsequently in his application for transfer to Calcutta on 1-11-1988 he prayed for foregoing his seniority and claim for future promotion, but there is nothing on record to show that he made such prayer at the time when he was posted in tug Mandadari at Haldia. The concerned workman being thus promoted as Licensed Driver I, no question of his disqualification for appointment as Licensed Driver I in tug Mandadari can arise.

10. Before taking into account other points raised by the union, it is necessary at this stage to look at the tripartite settlement dated 31-7-1988. My attention was drawn to the annexure to this settlement where the names of the crew members of 5 tugs appeared as they were on 1-5-1988. It was submitted on behalf of the union that admittedly on 1-5-1988 the concerned workman was not a crew member of tug Mandadari. As stated above, the admitted case in this matter is that he was sent on 1-6-1988 at Haldia to join his duties as LC. Driver I of tug Mandadari. Mr. Mukhopadhyay submitted on behalf of the management that this apparent mistake should be ignored in view of the fact that at the time when the settlement was executed between the parties on 31-7-1988 the concerned workman had been working in the said tug. The concerned workman in his evidence stated that from 1-6-1988 to 30-10-1988 he was working as Licensed Driver of the tug Mandadari at Haldia. He also stated in his evidence that while he was attached to tug Golap at Calcutta his overtime was 55% of gross pay, but when he joined tug Mandadari such overtime became 73%. It is therefore clear that while in tug Mandadari he was enjoying the benefit of overtime allowance of 73% in terms of the settlement mentioned above. In his two representations for transfer to Calcutta dated 19-9-1988, marked Ext. W-1 and 1-11-1988, marked Ext. W-2, it will appear that he did not raise any objection about the wrongful inclusion of his name in the aforesaid settlement. From these representations it will also be clear that the concerned workman had nothing to say against the transfer to Haldia and he prayed for his transfer to Calcutta on sympathetic ground foregoing his seniority and future promotion.

11. The last point taken by the union in this matter is that the management having transferred the concerned workman to Calcutta on the basis of his representations of foregoing his seniority and right of promotion, it cannot re-transfer him once again to Haldia. It was further submitted on behalf of the union that his transfer to Calcutta was made on permanent basis as the workman's pay was admittedly reduced on such transfer to Calcutta. Mr. Mukhopadhyay, representative of the management on the other hand, submitted that the management acted sympathetically towards the concerned workman by transferring him to Calcutta for a temporary period

for looking after his ailing mother and the reduction of his pay having been made on the basis of the pay of the post to which he was transferred. It cannot be said that he was permanently transferred to Calcutta.

12. The law on this point is very clear. Regarding the effect of a settlement arrived at in course of a conciliation proceeding, it is stated in Section 18(3) of the Industrial Disputes Act, 1947 that it shall be binding on all the parties to the industrial dispute. In the instant case, no challenge was made against the settlement dated 31-7-1988 by the union. It may be that there was some mistake in mentioning the date in the annexure in respect of the list of the workman, but that being immaterial as during the time when the settlement was executed by the parties, the concerned workman was working in the tug Mandadari at Haldia, no question of not following the terms of the settlement by any of the parties can arise. Accordingly, after this settlement neither the management had any authority to post the concerned workman in Calcutta permanently, nor the union had any right to claim any posting other than in the tug Mandadari of Haldia. Thus the transfer of the concerned workman to Calcutta must have been made for a temporary period as his lien in service in tug Mandadari at Haldia remained unaffected as per the terms of the settlement, excepting, of course, the retirement benefits including pension.

13. So, upon consideration of the facts and circumstances as well as position of law in this matter, I am of the opinion that the management of Calcutta Port Trust has not committed any wrong in transferring the concerned workman from Calcutta based tug to Haldia based tug. Such action of the management accordingly was justified. Workman accordingly shall not be entitled to any relief.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 4th December, 1998.

नई दिल्ली, 16 दिसम्बर, 1998

का.आ 143 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोक्ताओं और उनके कर्मचारियों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं-2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-1998 को प्राप्त हुआ था।

[सं. एल.-31012/7/97-आई.आर. (विधि)]
के.वी.बी. उधनी, अवसर सचिव

New Delhi, the 16th December, 1998

S.O. 143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government In-

dustrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on the 16-12-98.

[No. I-31012/7/97-IR(Misc.) Part-III]

K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/47 of 1997

Employers in relation to the Management of Mumbai
Port Trust.

AND

Their Workmen

APPEARANCES :

For the Employer : Mr. M. B. Anchan, Advocate.

For the Workman : Mr. Jaiprakash Sawant, Advocate.

Mumbai, dated the 16th November, 1998

AWARD

On 25th August 1998 by Part-I Award I came to the conclusion that the domestic inquiry which was held against the workman was as per the Principles of Natural Justice, the findings of the inquiry officer are perverse and the management was allowed to lead evidence to substantiate its action.

2. In nutshell the facts giving rise to the present Industrial dispute are that Ramesh Jadhav was suspended on 12-3-87 on the ground that a case against him in respect of a criminal offence was under trial and he was detained in custody on 12-3-1987 for a period exceeding 48 hours. On 29th July 1988 he was given a chargesheet contending that on 28th February 1987 one Gurumukh Rajra in presence of Panchas stated that he alongwith the workman and others had stolen boxes containing film rolls from shed No. 17, Indira Dock on 15-2-1987. A domestic inquiry was held against the workman. Meanwhile in a criminal case bearing No. 367/87 therein the workman was accused No. 4 was discharged on 11-7-1988. The management examined witnesses in a domestic inquiry. The inquiry officer came to the conclusion that the charges which are levelled against the workmen are proved. The workman was dismissed from the service by the management.

3. The issues that now fall for my consideration and my findings there on are as follows :

Issues	Findings
3. Whether the action of the management in dismissing the workman is justified and legal ?	Not justified and legal.
4. If not, to what relief the workman is entitled to ?	As per order.

REASONS

4. The management filed a purshis (Ex-19) informing the Tribunal that they do not want to lead any oral evidence in the matter. The workman also filed a purshis at Ex-20 stating that he also does not want to lead any evidence.

5. It is pertinent to note that eventhough a domestic inquiry which was held against the workman was held to be proper the Tribunal came to the conclusion that the findings of the inquiry officer are perverse. It is therefore the management was given an opportunity to justify its action. No additional evidence is adduced on the record to justify its action.

6. As I had come to the conclusion that the findings of the inquiry officer are perverse means the charges which were levelled against the workman are not proved. If they are not proved the workman cannot be awarded with any punishment. Mr. Anchan, the Learned Advocate for the management submitted that the workman is involved in many other criminal cases. To justify this submission he had not adduced any evidence. Even for the sake of argument if it is said that he is involved in any other case that can be a evidence while awarding the quantum of punishment. But for that purpose charges which are levelled against the workman are to be proved first. Here in this case the management had failed to do so. The result is that the action of the management in dismissing the workman is not legal and justified. He is entitled to reinstatement in service alongwith back wages and continuity. I record my findings on th cissues accordingly and pass the following order :

ORDER

1. The action of the Bombay Port Trust, in dismissing the services of Shri Ramesh R. Jadhav, Mazdoor, B-category. I. Card No. 7666 is not justified.
2. The management is directed to reinstate him in service, treating to be in continuous service and pay him all back wages.

S. B. PANSE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 1998

का.आ 144 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्षाकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में सरकार औद्योगिक अधिकरण, सं.-2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एल.-31012/6/97-आर्. (विविध भाग-II)]

के.बी.बी. उणी, अवर सचिव

New Delhi, the 16th December, 1998

S.O. 144.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on the 16-12-1998.

[No. L-31012/6/97-IR (Misc.) Part-II]

K.V.B. UNNY, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO: II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/46 of 1997

Employers in relation to the Management of Mumbai Port Trust.

AND

Their Workman

APPEARANCES :

For the Employer : Mr. M. B. Anchan, Advocate.

For the Workmen : Mr. Jaiprakash Sawant, Advocate.
Mumbai, dated 16th November, 1998

AWARD

On 25th August 1998 by Part-I Award I came to the conclusion that the domestic inquiry which was held against the workman was as per the Principles of Natural Justice. The findings of the inquiry officer are perverse. It was also ordered that the management is allowed to lead evidence to justify their action.

2. In short a dispute was raised by Mr. Ghag the workman on the ground that a domestic inquiry which was held against him on the chargesheet dated 29th July, 1988 was against the Principles of Natural Justice. It was alleged in the said chargesheet that on 27th June, 1987 one Gunaji Masavkar in the presence of Panchas stated that the workmen and others had stolen six boxes containing film rolls from shed No. 17, Indira Dock on 15-2-1987. The workman was also suspended from service. A criminal case was also registered against him. Witnesses were examined in a domestic inquiry. The inquiry officer came to the conclusion that the charges levelled against the workmen are proved. In a criminal case the workman was acquitted. It was not acquittal on technical grounds but it was an acquittal on merits. The Metropolitan Magistrate found that there is no evidence against the worker.

3. Now the issues that fall for my consideration and my findings there on are as follows :

Issues	Findings
3. Whether the action of the management in dismissing the workman is justified and legal ?	No.
4. If not, to what relief the workman is entitled to ?	As per order.

REASONS

4. After Part-I Award eventhough the management was given an opportunity to lead evidence they chose not to lead evidence and filed purshis (Ex-13) to that effect. The workman also filed a purshis (Ex-19) that he does not want to lead any evidence.

5. The Learned Advocate for both the parties argued the matter. Mr. Sawant, the Learned Advocate for the workman argued that as there is no evidence on behalf of the management to justify its action and as the tribunal has come to the conclusion that the findings of the inquiry officer are perverse the workman is entitled to reinstatement in service alongwith back wages and continuity. As against that Mr. Anchan, the Learned Advocate for the management argued that the workman is involved in other criminal cases and as such even if he is reinstated in service, back wages need not be given.

6. So far as the contention in respect of the Learned Advocate of the management is concerned I do not find any evidence on record. No doubt he referred to page. 59 of the documents produced by the management. It relates to the arguments addressed on behalf of the management in inquiry proceedings. But that cannot be called as an evidence. It can further seen that taking part in other criminal cases can be at the most will be an additional circumstances for considering the quantum of punishment when a charge is proved in respect of which an inquiry is held. Here in this case I have come to the conclusion that the findings of the inquiry officer are perverse. In other words the charges are not proved. As this is so the submissions which was made by the Learned Advocate for the management cannot be accepted at all.

7. The management did not adduce any evidence to justify its action. The charges levelled against the workman are not proved. Naturally the action of the management in dismissing the workman is not justified and legal. As a natural consequence of the same he is entitled to reinstatement in service, in continuity alongwith back wages. In the result I record my findings on the issue accordingly and pass the following order :

ORDER

1. The action of the Docks Manager, Mumbai Port Trust, in dismissing the services of the workman Shri Harishchandra T. Ghag, A-category Mazdoor, I. No. 664 is not justified.
2. The management is directed to reinstate him in service and pay him all back wages.
3. He is to be treated in continuous service.

S. B. PANSE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 1998

का.आ 145 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन गैर अर्थ लि. के प्रबन्धन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबन्ध निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एल.-29012/16/91 आर्.आर. (विधि)]
के.वी.बी. उन्नी, अवर सचिव

New Delhi, the 16th December, 1998

S.O. 145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Rare Earths Ltd, and their workman, which was received by the Central Government on the 16-12-98.

[No. I-29012/16/91-IR(Misc.)]

K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BANGALORE

PRESENT :

Justice R. Ramakrishna Presiding Officer.

Bangalore, the 25th November, 1998

Central Reference No. 84/91

I Party

Sri S. Batheruddin,
No. MIG-26,
Near Masjid Quba,
Udayagiri,
Mysore.

II Party

The Administrative Officer,
Indian Rare Earths Limited,
Ratnabally Complex,
Mysore Hunsur Highway,
Yelwal Post, Mysore.

AWARD

The Central Government by exercising the powers conferred by Clause (d) and sub-section 2A of Section 10 of the Industrial Dispute Act, 1947 received this dispute vide order No. I-29012/16/91 IR (Misc.) dated 6-12-91 for adjudication on the following schedule :

SCHEDULE

"Whether the management of Indian Rare Earths Ltd., Rare Material Plant, Yelwal, Mysore is justified in terminating the services of Sri S. Batheruddin, Scientific Assistant 'C' Civil? If not, to what relief the workman is entitled to?"

On receipt of the above reference, notices were issued to both the parties. They appeared and filed their respective statements.

The I party contended in his claim statement that as he has been appointed by the II party as a Supervisor Civil with effect from 19-12-1984 on fixed term basis in the scale of Rs. 550 to 900 and posted to Rare Material Plant, Mysore. As per Annexure 'B', the services were confirmed from 1-11-1985. It was again extended to 31-12-88 vide order dated 2-11-1987 as per Annexure 'C'. Subsequently, his designation was changed to that of Scientific Assistant 'C' Civil and extended his appointment upto 31-12-1998.

It is his further contention that his legitimate right of promotion was deprived for the reasons that the Mysore South Police had booked a case against him on the allegation that he had furnished incorrect information to the passport authority for obtaining the passport. Therefore, it is his contention that the II Party in colourable exercise of powers victimised him. Ultimately, he has been terminated by an Order as Annexure 'D'. It is his further contention while terminating his services the II Party failed to comply the provisions of Section 25F of the Industrial Disputes Act, 1947. Therefore, he has prayed for an Award for setting aside the Order of termination and further order to reinstate him with continuity of service and other benefits.

The II Party in their counter statement accepted the fact of appointment of the I Party from 19-12-1984, but, denied that has been confirmed w.e.f. 1-11-1985. It is their contention that the period of appointment was extended from time to time. Since a Criminal case was pending against the I Party he was not permitted to higher post. It is also contended that the services of the I Party were not terminated as a disciplinary measure, but, strictly in accordance with the terms of appointment. Therefore, they have prayed for rejecting the reference.

The Order sheet discloses that after this Tribunal directed to lead the evidence vide order dated 12-3-92 there is absolutely no progress in the case. The Order sheet disclosed that the I Party has remained absent continuously from 1994. It was since the II Party raised the status of the I Party coming within the definition of the workman, an additional issue was framed and another issue on the II Party regarding jurisdiction.

As I said earlier due to the continuous absence of the I Party the evidence of the Administrative Officer of the II Party was recorded on 20-11-1998. The evidence of this witness discloses that the I Party was a diploma holder in civil engineering was appointed on 19-12-1984 as per Ex. M1 for a period of 3 years on the first instance to supervise civil construction works. This term was extended by one more year as per Ex. M2. Later his designation was challenged as Scientific Assistant 'C' Civil as per Ex. M3. Thereafter, his period was further extended by one more year as per Ex. M4. This extension again took place as per Ex. M5. Thereafter, in accordance with the requirement the services of the I Party was terminated as per Ex. M6.

The further evidence of this witness disclose that there after this concern was taken by the Department of Atomic Energy as per Ex. M7, the nature of industry was completely changed. This witness further says, the I Party workman is working in the Gulf Country.

The evidence of MWJ and the documents Ex. M1 to M7 discloses that the appointment of the I Party was on contractual basis and after contractual activities this concern was taken by the Department of Atomic Energy and therefore, the services of the I Party was terminated.

Since, there was no contra evidence to contradict, the case made out by the II Party, it is conclusive that the II Party was justified in terminating the services of the I Party.

For the reasons stated above, this reference fails and the same is rejected.

(Dictated to Stenographer, transcribed by her and signed by me on the 25th day of November, 1998.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 1998

का.आ 146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्रीय भंडारण निगम के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एल.-42013/4/87-डी.-2(बी.)डी.-3(बी.)
के.वी.बी. उन्नी, अवसर सचिव

New Delhi, the 16th December, 1998

S.O. 146.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kendriya Bhandar Nigam and their workman, which was received by the Central Government on 16-12-98.

[No. L-42013/4/87-D-2(B)D-3(B)]

K. V. B. UNNY, Under Secy.

अनुबन्ध

केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर (म.प्र.)
डी.एन. दीक्षित

पीठासीन अधिकारी

प्र.क्रं. सी.जी.आई.टी./एल.सी./आर./101/88

श्री अमर सिंह,

आत्मज रामकिशन

ग्राम व डाकघर—कुन्हावर

तह. + जिला—इटावा (उ.प्र.)

विरुद्ध

क्षेत्रीय प्रबन्धक,

केन्द्रीय भंडारण निगम,

न्यू मार्केट, टी.टी. नगर,

भोपाल (म.प्र.)

... प्रार्थी

... प्रतिप्रार्थी

अर्वाइ

दिनांकित 27-11-1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली, ने अपने आदेश सं. एल-42013/4/87-डी-2(बी)/डी.-3 (बी) दिनांक 20-9-88 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है:—

अनुसूची

“क्या केन्द्रीय भंडारण निगम, क्षेत्रीय कार्यालय न्यू मार्केट, टी.टी. नगर, भोपाल का प्रबन्धतंत्र अपने कर्मकार श्री अमर सिंह की दण्ड के रूप में 26-6-86 से सेवाएं समाप्त करना न्यायोचित है। यदि नहीं तो संबंधित कर्मकार किस अनुपनोष का हकदार है और किस तारीख में।”

2. श्रमिक के अनुसार वह बेयर हाउस, खण्डवा में असिस्टेंट ग्रेड-2 के पद पर वर्ष 1981 में कार्यरत था। उस समय उसकी सेवा 7 वर्ष हो गई थी। श्रमिक की सेवाएं दिनांक 24-6-85 को समाप्त की गई। श्रमिक के विरुद्ध विभागीय जांच हुई थी। इस जांच में अनियमितताएं बरती गई और मनमाने निष्कर्ष निकाले गये। जांचकर्ता अधिकारी के निष्कर्ष दोषपूर्ण हैं और कदाचरण श्रमिक के विरुद्ध सिद्ध नहीं हुआ। जांचकर्ता अधिकारी ने मनमाने तरीके से श्रमिक को कदाचरण का दोषी पाया और अनुशासनात्मक अधिकारी ने श्रमिक को सेवामुक्त किया। श्रमिक को जो सजा मिली, वह कदाचरण के अनुपात में अन्यायिक है। श्रमिक चाहता है कि उसे पुनः काम पर लिया जाए और सम्पूर्ण अवधि का वेतन भत्ता दिया जाए।

3. प्रबन्धन के अनुसार श्रमिक ने वर्ष 1981 में खाद्यान्न की अफरातफरी की और नियमों के विपरीत खाद्यान्न बेचा। श्रमिक के विरुद्ध विभागीय जांच की गई। विभागीय जांच में श्रमिक की सहायता के लिए उनके सहयोगी उपस्थित थे और प्रत्येक बैठक में भाग लिया। प्रबन्धक ने जो भी गवाह प्रस्तुत किये, उनका प्रतिपरीक्षण श्रमिक ने किया। श्रमिक को जांचकर्ता अधिकारी ने कदाचरण के आरोप का दोषी पाया तथा इनकी रिपोर्ट के आधार पर कन्ट्रोलिंग आफिसर ने श्रमिक को सेवा से मुक्त किया। विभागीय जांच में अपनाई गई प्रक्रिया नियमों के अनुसार और वैधानिक है। श्रमिक को जो दण्ड दिया गया वह कदाचरण के अनुरूप है। प्रबन्धन चाहता है कि श्रमिक को कोई मुविदा नहीं दी जाए तथा सेवामुक्ति के आदेश की पृष्ठ की जाए।

4. विभागीय जांच की वैधता के संबंध में इस न्यायालय का आदेश दिनांक 14-2-95 है। यह पाया गया कि विभागीय जांच विधिवत और नियमों के अनुसार है।

5. दिनांक 9-7-81 को तीन बोगस मसूर श्रमिक के गोदाम में कचरा पाई गई। श्रमिक को 14-7-81 को इस कमी का मेनो दिया गया। इस मेनो का उत्तर श्रमिक ने

नहीं किया। जांच में यह पता लगा कि बेयर हाऊस इंचार्ज ने श्रमिक से रुपये 500/- लेकर मामला रफा-दफा किया। श्रमिक ने इसी गोदाम की शक्कर बेचकर रुपये 500/- बेयर हाऊस इंचार्ज को दिये और तीन बोरा मसूर बाहर से लाकर रखी। बेयर हाऊस इंचार्ज श्री आर.एस. भटनागर ने अपने पत्र दिनांक 9-9-81 में स्वीकार किया है कि उन्होंने रुपये 500/- श्रमिक से लेकर मामला रफा-दफा किया। श्रमिक ने भी अपने पत्र दिनांक 9-9-81 में स्वीकार किया है कि उसने रु. 500/- श्री भटनागर को दिये और श्री भटनागर ने तीन बोरा मसूर की कमी माफ की।

6. वर्ष 1981 में भी श्रमिक की गोदाम से चार बोरा मसूर और एक बोरा तुवर दाल कम पाई गई। श्रमिक ने इसी गोदाम से दो बोरा गेहूं और मसूर का अफरा-तफरी को और इस कमी को पूरा किया। इस प्रकार श्रमिक ने नियमों के विरुद्ध खाद्यान्न की अफरातफरी की तथा बेइमानी के कार्य किये।

7. श्री जे.पी. गुप्ता ने गोदाम की जांच की है और विभागीय जांच में कथन दिये हैं। इनके कथन से स्पष्ट है कि गोदाम में तीन बोरा मसूर 9-7-81 को कम पाई गई और श्री भटनागर ने दण्ड संबंध में श्रमिक को मेमोरेण्डम दिया। श्रमिक ने श्री गुप्ता के सामने स्वीकार किया है कि उसने गोदाम की 65 किलो शक्कर ब्रेचकर बाहर से लाकर तीन बोरा मसूर गोदाम में रखी। प्रदर्श पी-2 लेख में श्रमिक ने स्वीकार किया है कि उसने 500/-रुपये श्री भटनागर को दिये तब उन्होंने मेमोरेण्डम नष्ट किया और जिसका संबंध तीन बोरा मसूर की कमी से था। यह भी स्वीकार किया है कि उसने गोदाम की 65 किलो शक्कर ब्रेचकर उस राशि से मसूर के तीन बोरा के कमी की पूर्ति की थी। श्री भटनागर ने अपना पत्र प्रदर्श-पी-3 में इस बात की पुष्टि की है। विभागीय जांच में श्री जे.पी. गुप्ता ने विस्तार से बताया है कि गोदाम में क्या कमियां थी तथा उसके लिये अधिक उत्तरदायी है।

8. विभागीय जांच में श्री जे.पी. गुप्ता के कथन की पुष्टि श्री बी.के. खरे और ओ.ओ.पो. गुप्ता के कथन से होती है। विभागीय जांच में यह सिद्ध हो गया कि श्रमिक ने मनमाने तरीके से गोदाम के खाद्यान्न की अफरातफरी की तथा अपनी कमी छुटाने के लिए अपने वरिष्ठ श्री भटनागर को रुपये 500/- की रिश्वत दी। इस शिष्टेय का निष्कर्ष यह है कि विभागीय जांच अधिकारी का यह निष्कर्ष सही है कि श्रमिक ने कदाचरण किया है।

9. श्रमिक गोदाम के जार्ज में था और उसके पास जो सम्पत्ति थी, उसको नियमों के विपरीत मनमाने तरीके से बेचकर स्टॉक की कमी की पूर्ति श्रमिक ने की। गोदाम के अधिकारी का यह कदाचरण असम्भव है। इस प्रकार की अफरातफरी श्रमिक ने जानबूझकर की है। श्रमिक को दिया गया दण्ड कदाचरण के अनुरूप है।

10. प्रबन्धन के पक्ष में अवार्ड दिया जाता है। श्रमिक की सेवामुक्ति का आदेश विधिवत है तथा इसमें हस्तक्षेप

की आवश्यकता नहीं है। दोनों पक्ष इस प्रकरण का अपना अपना व्यय वहन करें।

11. नियमानुसार अवार्ड की प्रतियां भारत सरकार, श्रम मंत्रालय को प्रेषित की जाती है।

डी.एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 16 दिसम्बर, 1998

का.आ. 147 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माईन्स लि. के प्रबन्धतांत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एल.-43012/7/95-आई.आर. (विविध)]

के.वी.बी. उन्नी, अवर सचिव

New Delhi, the 16th December, 1998

S.O. 147.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Gold Mines Ltd., and their workman, which was received by the Central Government on 16-12-98.

[No. L-43012/7/95-IR(Misc.)]

K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, 26th November, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 71/97

I Party

The Treasurer,
Bharat Gold Mines Workers,
Anna Traders Union,
K.G.F. No. 2, M Block,
Champion Reef, K.G.F.

II Party

The Managing Director,
Bharat Gold Mines Ltd.,
Suvarna Bhavan,
Oore um Post,
K.G.F.-563120.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-43012/7/95-IR(Misc.) dated 8-8-95 for adjudication on the following schedule:

SCHEDULE

"Whether the management of BGML is justified in dismissing Shri Muniraj, P.E. 150053 from services w.e.f. 31-10-1988 for an alleged theft of Rs. 2 only? If not, what relief he is entitled to and from which date?"

The initial notice sent by ordinary post served. The second party represented. Later the second party placed ex-parte on 21-10-97. In the adjourned state the first party not appeared though the notice under RPAD was served on 15-12-97.

However a fresh notice by RPAD again issued to the first party which was once again duly served. The first party not appeared and shown any interest to adjudicate this dispute. He has also failed to follow the mandatory provisions under Rule 10B of the Industrial Disputes (Central) Rules, 1957.

In the above circumstances this reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 1998

का.आ. 148.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माईन्स लि. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एन.-43012/26/95-आई.आर. (विधि)]

के.वी.बी. उन्नी, अवसर सचिव

New Delhi, the 16th December, 1998

S.O. 148.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Gold Mines, Ltd., and their workman, which was received by the Central Government on 16-12-98.

[No. L-43012/26/95-IR(Misc.)]

K. V. B. UNNY, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated. 26th November, 1998

PRESENT:

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 136/97

I Party

The Secretary,
Bharat Gold Mines Employees,
Union, CITU Office,
Marikuppam,
K.G.F.-555001.

II Party

The Managing Director,
Bharat Gold Mines Ltd.,
Suvarna Bhawan,
K.G.F.-563120.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-43012/26/95-IR(Misc.) dated 25-4-96 for adjudication on the following schedule:

SCHEDULE

"Whether the action of the management of BGML in imposing the punishment of reduction of pay on Shri Subramani, P.F. No. 036134 General Labourer, justified? If not to what relief the workman is entitled?"

The ordinary notices issued to the parties are served. Though the second party represented, the first party failed to appear even after received the notice. However to give full opportunity a notice under RPAD was issued and duly served to the first party. He did not appear nor made any efforts to communicate this tribunal. He has also failed to comply the statutory provisions contained under Rule 10B of the Industrial Disputes (Central) Rules, 1957. However the second party is now represented by a learned advocate.

Since the first party failed to file the claim statement we cannot adjudicate the dispute.

In the result this dispute is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 21 दिसम्बर, 1998

का.आ. 149.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेशन डायरेक्टर, आल इंडिया रेडियो कानपुर, के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[सं. एन.-42012/291/94-आई.आर. (डी.यू.)]

के.वी.बी. उन्नी, अवसर सचिव

New Delhi, the 21st December, 1998

S.O. 149.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Station Director, All India Radio, Kanpur and their workman, which was received by the Central Government on 21-12-98.

[No. L-42012/291/94-IR(DU)]

K.V.B. UNNY, Under Secy.

ANNEXURE

Before Sri B K Srivastava Presiding Officer, Central Government Industrial Tribunal cum Labour Court Pandu Nagar, Kanpur, U.P.-208005.

Industrial Dispute No. 141 of 1993.
In the matter of dispute between:

Shambhu Dayal
C/o Sri T. S. Khanna,
128F/45 Kidwai Nagar, Kanpur.

And

Director All India Radio
Benajhabar Road, Kanpur,

Appearance :

T. N. Khanna for the workman.
Umee Dixit for the Management.

AWARD

1. Central Govt. Ministry of Labour, vide notification no. L-42012/291/94 I.R.D.U. dated 20-7-98, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the Station Director, All India Radio Kanpur, is legal and justified in terminating the services of Sri Shambhoo Dayal son of Late Bameshwar w.e.f. 1-8-87 if not to what relief the workman is entitled?

2. The case of the concerned workman Shambhoo Dayal is that he was engaged as a daily rated Farash from 2-7-81 and he continuously worked upto 31-7-87. In this way he had completed more than 240 days work. When he was removed from services no retrenchment compensation and notice pay was given to him. Besides there has been breach of section 25F of I.D. Act

3. The management opposite party has filed reply in which it has been alleged that concerned workman was engaged as a muster role employee he did not work continuously as such no right have accrued to him.

4. In rejoinder nothing new was alleged. In support of his case the concerned workman has examined himself Shambhu Dayal w.w.1 besides he has filed documents Ext. W-1 to W-17. In rebuttal there is evidence of Abdul Rahman Assistant Station Director All India Radio Kanpur.

5. In the first place it will be seen if the opposite party All India Radio is an industry. There is case of All India Radio versus Santosh Kumar 418(78) FLR 814 SC in which it has been finally held by the Hon'ble Supreme Court that All India Radio and Doordarshan are Industry. In view of this authority this objection is overruled.

6. Now it will be seen if the concerned workman has completed 240 days in a year. In this regard there is uncross examined evidence of the w.w.1 Shambhu Dayal. Documents filed by the concerned workman do not render any assistance to him as they are in the nature of school leaving certificates and copies of correspondence. Any how in my opinion, the case of the concerned workman should be believed as it is supported by uncross examined evidence. Apart from this the opposite party All India Radio is in possession of all documents like muster role attendance sheet by which the number of working days would have been confirmed. The opposite party admittedly has not filed any documents and in such a case adverse inference has to be drawn against them. Hence I believe the version of the concerned workman and hold that he had completed 240 days in a year.

7. Admittedly no retrenchment compensation and notice pay was paid to him at the time of his retrenchment, hence the retrenchment is bad in law being in reach of provisions of section 25F of I.D. Act.

8. I am not inclined to believe the version of the workman that there had been breach of provisions of section 25G and H of I.D. Act as particulars were not given in the claim statement.

9. As regards delay there is evidence of the concerned workman as well as evidence lead by the workman show that he had making repeated request and assurance was given by the opposite party to look into the matter, this matter was kept pending because of the fault of the opposite party in this delay has been explained.

10. In the end my award is that the termination of the workman is bad being in breach of provisions of sec. 25F of I.D. Act and the workman is entitled for reinstatement but without back wages as he was admittedly a daily rated employee.

नई दिल्ली, 21 दिसम्बर, 1998

का.ग्रा. 150.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसमर्थन में केन्द्रीय सरकार वी. एच. ई. एल. रानीपुर, हरद्वार के प्रबंधन के संबंध निरोधकों और उनके कर्मचारियों के बीच, अनुसमर्थन में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पक्षों को प्रकणित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[सं. एल-42011/27/98-आई.आर. (डीयू)]

के. वी.वी. उन्नी, अवसर सचिव

New Delhi, the 21st December, 1998

S.O. 150.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of B.H.E.L., Ranipur, Hardwar and their workman, which was received by the Central Government on the 21-12-98.

[No. L-42011/27/98-IR(DU)]

K.V.B. UNNY, Under Secy.

ANNEXURE

Before Sri B. K. Srivastava Presiding Officer,
Central Government Industrial Tribunal cum Labour Court,
Pandu Nagar, Kanpur.

Industrial Dispute No. 98 of 1998

In the matter of dispute between :

The General Secretary,
B.H.E. Karamchari Sangh,
B H E L., Ranipur,
Hardwar-240402.

And

M/s. Bharat Heavy Electricals Ltd.,
Heavy Electrical Equipment Plant,
Ranipur,
Hardwar-249403.

Award :

1. The Central Government, Ministry of Labour, New Delhi, vide its notification no. L-42011/27/98-IR(DU) dt. nil, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of the BHEL, Ranipur, Hardwar is justified in reducing leave such as earned leave, sick leave and casual leave, to regular new comers w.e.f. 22-3-1974 against the provisions of standing Orders of the Company? If not, to what relief the workmen are entitled to?

2. It is unnecessary give the details of the case as after sufficient service the concerned workman has not filed claim statement. Hence the reference answered against the concerned workman for want of prosecution and proof and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 21 दिसम्बर, 1998

का.आ. 151.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्लेग आफिसर कनाङ्गि-इन-चार्ज साउथर्न नवल कमांड कोचीन के प्रबंधन के संबद्ध में नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अरनाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[सं. एल-14011/1/95-आई.आर. (डी.यू.)]

के. बी. बी. उन्नी, अवसर सचिव

New Delhi, the 21st December, 1998

S.O. 151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Flag Officer Commanding Incharge, H.Q., Southern Naval Command, Cochin and their workman, which was received by the Central Government on the 21-12-98.

[No. L-14011/1/95-IR(DU)]

K.V.B. UNNY, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

(Tuesday, the 25th day of August, 1998)

Present :

Shri D. Mohanarajan, B.Sc., LL.B.,

Presiding Officer

Industrial Dispute No. 20 of 1995(C)

Between :

The Flag Officer Commanding-in-Charge (for SLO), Headquarters, Southern Naval Command, Cochin-682004.

And

The Secretary, Naval Technical Draughtsman Association, Southern Divisional Officer, Naval Base, Cochin-682004.

Representations :

Sri V. V. Sidharthan,
Standing Govt. Counsel for
Union of India, Chittoor Road,
Valanjambalam, Kochi-16.

.. For Management

M/s. Pulikool Abubacker and
P.M. Ziraj, Neehi Bagh,
Kochi-682018

.. For Union.

AWARD

The Government of India as per Order No. L-14011/1/95-IR(DV) dated 30-6-95 referred the following industrial dispute for adjudication of this court :

"Whether the action of Flag Officer Commanding-in-Charge, Headquarters, Southern Naval Command, Cochin in treating the Senior Draughtsman as non supervisory is justified? If not, to what relief the workmen are entitled?"

2. In response to the notice issued from this court both the parties entered appearance and submitted their respective pleadings. When the case came up for evidence today, the 25th day of August, 1998, there was no representation from

the union. Neither the union nor their counsel turned up and prosecuted the matter. In the above circumstances, I am inclined to hold that the union is not at all interested to pursue the dispute and that there is no subsisting industrial dispute to be adjudicated upon.

In the result, the reference is answered holding that there is no existing industrial dispute to be adjudicated upon.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and declared in open court on this the 25th day of August, 1998.

D. MOHANARAJAN, Presiding Officer.

नई दिल्ली, 29 दिसम्बर, 1998

का.आ. 152.— केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि खनिज तेल (कच्चा तेल) मोटर और विमानन स्पिरिट, डीजल तेल, मिट्टी का तेल, ईंधन तेल, विविध हाईड्रोजन तेल और उनके मिश्रण, जिनमें सिंथेटिक ईंधन, स्टेल्क तेल और इसी प्रकार के तेल शामिल हैं, के निर्माण का उत्पादन में लगे उद्योग में सेवाओं को औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 26 में शामिल हैं उक्त अधिनियम के प्रयोजनों के लिए लोकोपयोगी सेवा घोषित किया जाना चाहिए;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (VI) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोकोपयोगी सेवा घोषित करती है।

[संख्या एस-11017/6/97-आई.आर. (पी. एल.)]

एच. सी. गुप्ता, अवसर सचिव

New Delhi, the 29th December, 1998

S.O. 152.—Whereas the Central Government is satisfied that the public interest requires that the Industry engaged in the manufacture of production of Mineral Oil (Crude Oil), Motor and Aviation, Spirit, Diesel oil, Kerosene Oil, Fuel Oil, Diverse Hydrogen and their blends including Synthetic Fuels, Lubricating Oils and the like which is covered by item 26 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/6/97-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 17 दिसम्बर, 1998

का.धा. 153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फेडरल बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचट को प्रकाशित करती है, जो केन्द्रीय सरकार की 16-12-1998 को प्राप्त हुआ था।

[सं. एल-12012/215/93-आई आर (बी-1)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 17th December, 1998

S.O. 153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Federal Bank Ltd., and their workman, which was received by the Central Government on 16-12-1998.

[No. L-12012/215/93-IR (B.I.)]

C. GANGADHARAN, Desk Officer.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 7 of 1994

PARTIES :

Employers in relation to the management of Federal Bank Limited.

AND

Their Workman.

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCES :

On behalf of Management.

Mr. D. K. Kundu, Advocate with

Mr. D. K. Paul, Advocate.

On behalf of Workman.

Mr. A. Banerjee, Advocate.

State : West Bengal

Industry : Banking.

AWARD

By Order No. L-12012/215/93-IR.B.I. dated 28-1-1994 the Central Government in exercise of its powers under Sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of M/s. The Federal Bank Ltd. in terminating the services of Shri Maheshwar Katai w.e.f. 31-10-92 is legal and justified? If not to what relief the workman is entitled?"

2. This is a case of termination of service of one Maheshwar Khatol an employee of M/s. Federal Bank Ltd. Workman's case, in short, is that he was appointed by the

aforesaid Bank in September 1979 for handling files, cleaning tables and chairs etc. and also for bringing water from outside for which he was required to work in the Bank from 10 A.M. to 5 P.M. every day. He used to get his salary through vouchers, though no appointment letter was issued in his favour. Management was irritated as the workman joined the Calcutta Shops and Commercial Kamgar Union. The said union having made a complaint for depriving him of his house rent allowance and other benefits available to other employees of the Bank, management of the Bank became furious and issued a notice dated 23rd October, 1991 upon the concerned workman intimating him that his service would be terminated after three months from the date of the said letter and an application was also forwarded to the Central Government for permission. Thereafter, on 1st February, 1992 without waiting for the permission of the Central Government, the management terminated his services upon crediting Rs. 2880 in the 'Savings Bank account of the workman as his retrenchment compensation. The workman raised an industrial dispute and the management having realised that it has illegally terminated his service, reinstated the concerned workman with full back wages in terms of their letter dated 13th October, 1992. The matter having thus been settled, the conciliation file was closed on the ex-parte submission of the management. After joining his service on 24th October, 1992 the workman insisted for settlement of his leave due and the management being infuriated retrenched the service of the concerned workman again in terms of their letter dated 31st October, 1992. The workman has alleged that by so retrenching him from service the management has not complied with the provisions of Section 25F or 25G of the Industrial Disputes Act, 1947 (in short the Act) or Rule 76 and Rule 77 of the Industrial Disputes (Central) Rules, 1957 (in short the Rules) by not sending notice to the appropriate authorities. The concerned workman raised a protest against retrenchment of his service. The concerned workman thereafter approached the Regional Labour Commissioner and the matter remaining unsettled due to adamant attitude of the management, the case was referred to this Tribunal for adjudication by the Central Government. The concerned workman has accordingly prayed for holding that the termination notice dated 31st October, 1992 issued against him is illegal and unjustified and he is entitled to reinstatement with back wages.

3. In its written statement the management of the Federal Bank Limited has alleged that prior to October 1992 there was no filter water facility in the Clive Row Branch of the Bank where the staff strength is 51 at present. The Bank had accordingly to engage the concerned workman for bringing drinking water from outside and to fill water in two 25 liters water filters, which used to take only 35 minutes time in a day and for this service he used to receive Rs. 60 per week. There was no fixed time for his attendance for his doing the work. Subsequently that branch of the Bank obtained drinking water facility and accordingly there was no need for bringing drinking water from outside for which the concerned workman was engaged. As the Bank was no longer in requirement of the service of the concerned workman, a notice of retrenchment was issued upon him on 23rd October, 1992 and the management also applied to the Central Government for Permission to retrench him. The notice under section 25N of the Act having not been replied within the specified period of 60 days from the date of application, he was retrenched from service of the Bank from 1st February, 1992 after credit of Rs. 2880 in his Savings Bank Account as retrenchment compensation. An industrial dispute was raised by the workman for such termination and in the conciliation proceeding it was found that the management had not complied with the provisions of Section 25F of the Act. The management has alleged that the notice under section 25F of the Act was issued by mistake as the said provision is not applicable in the matter of retrenchment of the concerned workman. Management accordingly decided to treat the concerned workman as in service and reinstated him with back wages. The Bank thereafter by its order dated 31st October, 1992 terminated his service again after complying with the provisions of Section 25F of the Act. A total sum of Rs. 4520 being one month's wages of Rs. 620 in lieu of notice of retrenchment and retrenchment compensation of Rs. 3900 was paid to the concerned workman on 31st October, 1992. The notice of retrenchment in Form—P was

also given to the authority as per Section 25F of the Act. The Bank has denied the allegation that termination of service of the concerned workman was mala fide, motivated or illegal. The Bank has also alleged that question of compliance of Section 25G or 25N of the Act does not arise as these provisions have nothing to do with the facts of the present case. It is also alleged that the provisions of Rule 76 and 77 of the Rules were also duly complied with. The management has accordingly prayed for dismissal of the claim of the workman.

4. The workman filed a rejoinder denying the allegations of the management in its written statement and also reiterating his own allegations in his written statement.

5. Heard learned Advocate for the management. Learned Advocate for the workman did not appear though the workman was personally present at the time of the argument. Since the parties have already adduced evidence and since no step is taken on behalf of the workman today, the argument made by the management in this matter is heard. It may be mentioned here that both sides have adduced oral and documentary evidence before this Tribunal in support of their respective cases.

6. Admittedly, the concerned workman was an employee of the Bank. The management has alleged that he had been appointed only for the purpose of serving drinking water to the staffs of the Clive Row Branch of the Bank. It is also alleged by the management that a new water cooler having been installed, the service of the concerned workman was no longer required. The workman, on the other hand, has alleged in his evidence that he was appointed as a peon, though no appointment letter was issued in his favour. Regarding the exact nature of the job of the concerned workman MW-1 in his evidence has stated that he was only engaged for the purpose of carrying water. His statement that at that point of time the Bank was not equipped with water filter has not been challenged in his cross-examination. The workman also has admitted in his evidence that main purpose of his appointment was to bring water and he used to get additional remuneration if he had to bring more water from outside. It is also an admitted case of the parties that the concerned workman used to be paid against vouchers. These vouchers have been produced. There is also no dispute that the workman had worked for 13 years. Such oral evidence along with payment against vouchers for such long period of time prove the Bank's case of the workman's engagement by the Bank as a water boy. Since the Bank, after the installation of the water cooler in the branch, could not have any further necessity for engaging any person for bringing water from outside, its desire to retrench the service of the workman cannot be said to be vindictive.

7. Admittedly, the Bank terminated the service of the workman on October 23, 1991. The notice issued upon the workman being under section 25N of the Act was found to be defective in the conciliation proceeding. The Bank, thereafter, decided to cancel the termination notice and it is an admitted fact that the concerned workman was reinstated in service with back wages.

8. The Bank, thereafter, by notice dated 31st October, 1992 vide Ext. M-10 again terminated the service of the concerned workman by issuing retrenchment notice. It appears from this notice that he was paid one month's wages in lieu of notice of retrenchment and retrenchment compensation of Rs. 3900 for his 13 years of completed service with the Bank was also paid. It further appears that the management also informed the appropriate authority under section 25F(C) of the Act about the retrenchment. There was, therefore, full compliance of provisions of law before termination of the service of the workman. I have already stated that the earlier retrenchment under section 25N of the Act having been found to be defective for which the concerned workman had to be reinstated. Though the workman's case is that the provisions of section 25N shall apply to the facts of the instant case, still then, there being no evidence on record to that effect, I am not in a position to accept the allegation of the concerned workman that retrenchment from service of any workman can only be done under section 25N of the Act. Non-application of provisions of section 25N of the Act having been clearly established, the management rightly terminated the service of the workman under section 25F of the Act by complying with all the provisions required for such retrenchment.

9. The workman in his written statement has also alleged that provision of section 25G of the Act was not complied with. There is no evidence before this Tribunal that the said provision was not complied with. It is also alleged that Rule 76 and 77 of the Rules was not complied with. I find from the record that these provisions were also duly complied with.

10. In the aforesaid circumstances, I find no fault of the management in terminating the service of the concerned workman, either on facts or on law, and in the said view of the matter I am to hold that the management was justified in terminating the services of the concerned workman with effect from 31-10-1992. The workman accordingly shall not be entitled to any relief in this case.

This is my Award.

Dated, Calcutta.

The 7th December, 1998.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1998

का.आ. 154.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंदौर, ग्वालियर के प्रबंधन के संबंध में निर्यात और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-1998 को प्राप्त हुआ था।

[मं. एल-12012/124/90-आईआर बी-3/बी-1]

सी. गंगधरन, डेस्क अधिकारी

New Delhi, the 17th December, 1998

S.O. 154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Indore, Gwalior and their workman, which was received by the Central Government on the 16-12-1998.

[No. L-12012/124/90-IR B-3/B.I.]

C. GANGADHARAN, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक अधिकरण एवं धर्म न्यायालय,

जबलपुर, म.प्र.

डी.एल. बीकित

पीठासीन अधिकारी

प्र.क्र. सीजीआईटी/एलसी/आर/187/90

श्री राधेश्याम प्रजापति

पुत्र श्री भगवानदास प्रजापति,

मुहल्ला धोली बुआ का पुल,

निकट डा० हर नारायण

लोहागढ़, लखर,

ग्वालियर-474001 (म.प्र.)

—प्रार्थी

विरुद्ध

केन्द्रीय प्रबंधक,

स्टेट बैंक आफ इंदौर,

केन्द्रीय कार्यालय, मोदी हाउस,

आसी रोड, ग्वालियर-474002 (म.प्र.)

—प्रतिप्रार्थी

धारा

दिनांक 26-11-1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश सं. एल-12012/124/90-आई.आर. (बी.-3) दिनांक 21/9/90 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है:—

अनुसूची

"Whether the action of the Regional Manager, State Bank of Indore, Regional Office, Gwalior, in terminating the services of Shri Radhey Shyam Prajapati, temporary peon engaged in daily wage basis, without complying with the provisions of section 25F of the I.D. Act, 1947, w.e.f. 14-9-86 is justified? If not, to what relief the workman is entitled to and from which date?"

2. श्रमिक के अनुसार स्टेट बैंक ऑफ इन्दौर के अम्बा शाखा में उसकी नियुक्ति सपरासी के रिक्त पद पर दिनांक 16-9-85 को हुई थी। श्रमिक की सेवाएं अवैधानिक रूप से समाप्त की गईं। श्रमिक की सेवाओं के संबंध में प्रबंधन ने सर्टिफिकेट दिया था। सेवा समाप्ति के पश्चात् श्रमिक कई बार बैंक के अधिकारियों से मिला, किन्तु उसे सहायता नहीं मिली। सेवामुक्ति का आदेश अवैधानिक है और नियमों के विपरीत है। श्रमिक ने लगातार 240 दिन तक बैंक की सेवा की है, इस कारण सेवामुक्ति से पूर्व उसे छुट्टी का नोटिस और मुआवजा मिलना आवश्यक है। प्रबंधन ने ऐसा नहीं किया है। इस आधार पर भी श्रमिक की सेवासमाप्ति का आदेश अवैधानिक है। श्रमिक चाहता है कि उसे पुनः सेवा में लिया जाये और नियमों के अनुसार वेतन और भत्ते दिये जायें।

3. प्रबंधन के अनुसार श्रमिक को 75 दिन के लिये अस्थाई पद पर नियुक्ति पत्र दिया गया था। प्रारंभ से ही श्रमिक को ज्ञात था कि 29-11-85 से उसकी सेवायें समाप्त हो जायेंगी। श्रमिक को कभी भी स्थाई पद बैंक में नहीं दिया गया। श्रमिक को छुट्टी मुआवजा या नोटिस पाने की पात्रता नहीं है। श्रमिक पुनः बैंक की सेवा में आने के लिये अधिकारी नहीं है। श्रमिक लगातार वेतन और भत्ते पाने की पात्रता भी नहीं रखता। श्रमिक ने अकारण ही यह विवाद उत्पन्न किया है तथा व्यय सहित निरस्त किया जाये।

4. श्रमिक ने अपने वाद में संशोधन कर कंडिका-3-ए जोड़ा। इसमें यह लिखा कि उसने लगातार 301 दिन बैंक में काम किया है। इस कारण उसे सेवामुक्ति से पहले छुट्टी मुआवजा और नोटिस पाने की पात्रता है। इस तथ्य को प्रबंधन ने अस्वीकार किया। प्रबंधन ने भी अपने उत्तरवाद में कंडिका-11 जोड़ी है तथा इस बात का खण्डन किया है कि श्रमिक ने 75 दिन से ज्यादा बैंक में काम किया है। यह श्रमिक को सिद्ध करना है कि उसने बैंक की नौकरी 301 दिन की। श्रमिक ने इस संबंध में कोई भी दस्तावेज प्रस्तुत नहीं

किये हैं। श्रमिक ने अपना नियुक्ति पत्र प्रदर्श-पी-1 प्रस्तुत किया है, जिसमें स्पष्ट उल्लेख है कि उसे नौकरी केवल 75 दिन की दी गई है। प्रदर्श-पी-2 लेख के द्वारा प्रबंधन ने उसे पुनः सूचित किया है कि उसकी सेवायें 29-11-85 को समाप्त हो जावेगी। प्रदर्श-पी-3 सर्टिफिकेट में भी यह उल्लेख है कि श्रमिक ने मात्र 75 दिन बैंक की नौकरी की। श्रमिक ने इसके अतिरिक्त कोई भी लेख न्यायालय में प्रस्तुत नहीं किया। श्रमिक के द्वारा प्रस्तुत लेखों से ही प्रबंधन के इस कथन की पुष्टि होती है कि श्रमिक को केवल 75 दिन की ही नौकरी प्रबंधन ने दी थी।

5. प्रबंधन के प्रत्येक लेख में यह स्पष्ट उल्लेख है कि श्रमिक को केवल 75 दिन की नौकरी दी गई है। ऐसी स्थिति में धारा-25एफ औद्योगिक विवाद अधिनियम, 1947 के प्रावधान इस प्रकरण के तथ्यों पर लागू नहीं होते। श्रमिक पूर्ण रूप से अपना प्रकरण भिन्न करने में असफल रहा।

6. अर्वाइ प्रबंधन के पक्ष में और श्रमिक के विरुद्ध किया जाता है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

7. नियमानुसार अर्वाइ की प्रतियां भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती हैं।

डी.एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 18 दिसम्बर, 1998

का.आ. 155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्र बैंक के प्रबंधन के संबंध में निचोचों और उनके कार्य-कारों बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एल-12012/445/86-डी-II (ए)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 18th December, 1998

S.O. 155.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 16-12-1998.

[No. L-12012/445/86/D-II(A)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT BANGALORE

Dated 30th November, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 165/1987

I. PARTY

Smt. B. S. Lalitha
No. 85, West Park Road,
18th Cross,
Malleswaram,
Bangalore-560003.

II PARTY

The General Manager,
Canara Bank Staff Section
Bangalore Circle, Oce,
25, B.M.G. Road, P.B. No. 5147
Bangalore-560001.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication after satisfying itself that an industrial dispute did exist between the above parties. This reference is made in the Order No. L-12012/445-86-D.II(A) dated 25-11-1987.

SCHEDULE

"Whether the action of the Management of Canara Bank in dismissing Smt. B. S. Lalitha, Special Assistant w.e.f. 11-7-1985 is justified? If not, to what relief is the workman concerned entitled?"

2. The first party on the relevant point of time was working as a Special Assistant in the second party bank at Malleswaram Branch. She has joined as a Clerk on 1-3-1965. On 25-4-84 the second party issued a charge sheet and on the very same day the first party was kept under suspension. The allegation of charge is in two parts. To understand the gravity of charges it is necessary to state the details of charge and the alleged back ground in committing these charges.

3. Charge No. : 1 describes that when she was working in Vasanthanagar branch from 3-5-1981 to 2-12-1983, it has been alleged that one fictitious account number bearing No. 26005 was opened at the Rajajinagar III Block branch on 14-12-1981 in the name of one B. Kumar and it was purported that the introducer was one Shri K. M. Shety, the holder of S. B. account No. 126 of Vasanthanagar branch, and the signature of the introducer on the account opening form in S. B. account No. 26005 of Rajajinagar III Block Branch was verified by her on 12-12-1981, though she was working at Vasanthanagar branch. It is further alleged that on 12-1-1982, a sum of Rs. 20,000 was drawn from the S. B. account No. 1010 of one Shri Bandi Sahib of Vasanthanagar branch. It is then alleged that on 2-2-1982, a sum of Rs. 5,500 was drawn from the very same account and that both the cheques were in favour of Shri B. Kumar and both of them were collected to the said account No. 26005, and that subsequently a sum of Rs. 25,450 has been withdrawn by Shri B. Kumar. It has been further specifically alleged that the signature of the introducer in respect of S. B. No. 26005 in the name of B. Kumar, verified by her was not genuine and that it was a forged one. Their customer Shri K. M. Shetty of Vasanthanagar branch stated that he had not introduced for the above said account. Shri Bandi Sahib had complained to the bank that the two cheques in question, debited to his account were not issued by him and that he had not taken any cheque book from the bank. Then, it has been alleged that the I party employee had passed the cheque bearing No. 413105 dated 30-1-1982 for Rs. 5,500, for payment on 2-2-1982 and the signature on the cheque did not tally with the specimen signature of the account holder. It is further alleged that the signature on the cheque of Rs. 20,000 debited to the account of Shri Bandi Sahib on 2-1-1982 also did not tally with the specimen signature of the account holder and thus in all a sum of Rs. 25,500 had been fraudulently withdrawn, due to the utter negligence on her part in certifying about the genuineness of the signature of the introducer. The first head of the chargesheet states that though the staff section had directed her to reimburse the sum of Rs. 5,500 she had not done so and that her said acts amounts to misconduct,

under Regulation 3(i) and 3(j) and that they were prejudicial to the interests of the bank as per Regulation 3(m) of the Canara Bank Service Code.

4. The second head of the charge states that she had been working as the Special Assistant in the Malleswaram branch from 3-12-1983. The allegation in regard to the second head of the charge is that a cheque book containing leaves 0622510 was issued to one Shri C. Narayana purported to be the messenger of one Shri Chikkanarasimhaiah, holder of S. B. Account No. 41966 on the basis of a cheque requisition slip. The signature appearing on the slip did not tally with the specimen signature of the a/c holder lodged in the bank. Shri C. Narayana said to be the messenger of account holder has not signed in the column meant for the signature to be attested by the account holder in the cheque requisition slip. As on that date, the account holder had eight unused cheque leaves from out of the cheque book issued to him earlier bearing Nos. 822401 to 822410. In addition, the ledger clerk had brought the same to her notice that the said party was already having eight unused cheque leaves. In spite of these things, she had authorised the issue of another cheque book on 28-1-1984. Then it is alleged that on 30-1-1984 one S. B. account was opened in their Town Hall branch in the name of Shri C. Chikkanna and the said account holder was purported to have been introduced by Chikkanarasimhaiah, holder of S. B. account No. 41966 of Malleswaram branch. The signature of the introducer in the account opening form has been verified by her on 1-7-1984. The signature purported to be that of Chikkanarasimhaiah does not tally with the signature of the account holder lodged with the Malleswaram branch. Then it is alleged that a cheque of Rs. 70,800 was withdrawn by cheque leaf No. 0622502 dated 2-2-1984 from the S. B. account No. 41966 of Chikkanarasimhaiah. The said cheque favouring Shri C. Chikkanna was collected at the Town Hall branch to the S. B. account No. 29118 opened in the name of Shri Chikkanna on 30-1-1984. Subsequently, out of the sum of Rs. 70,800 a sum of Rs. 70,000 has been utilised for the purchase of a DD payable at Mysore favouring Shri C. Chikkanna. The DD was purchased on 8-2-1984 and encashed at the Chamarajomohalla branch, Mysore on 9-2-1984. It is alleged that S. B. account opened in the name of Shri C. Chikkanna at the Town Hall branch was fictitious and withdrawal of Rs. 70,800 from the S.B. account 41966 of Shri Chikkanarasimhaiah was fraudulent. Then, it is alleged that on 6th and 7th of February, she was on leave. It is further alleged that the modus operandi adopted for fraudulent withdrawals is similar in both the cases and thus it was alleged that the bank had reason to believe that she had actively connived with the person or persons, so as to assist them in their fraudulent acts. It is specifically stated that her aforesaid acts were prejudicial to the interests of the bank and that she had committed misconduct as per Regulation 3(m) of Chapter XI of the Canara Bank Service Code. On going through the chargesheet it cannot be said that it is not clear or that it is vague or that necessary particulars have not been set forth so as to give sufficient notice to her to know the nature of the charges levelled against her.

5. The first party denied the allegation of charge in toto. She also denied any connivance with the persons named in the chargesheet and she does not deny a little carelessness and her main defence is that she had no any criminal intention to commit the offence alleged by the second party. She also taken up the contentions that the enquiry officer being an employee of the bank conducted the enquiry under biased mind and gave perverse finding. It is also her case that she has been victimised by the second party which amounts to unfair labour practice.

6. The second party contended that the first party has committed a gross misconduct unbecoming of a bank employee and therefore the action of the second party is legally justified and there should not be any interference to the order of dismissal.

7. Initially the first party questioned the validity of domestic enquiry by pointing out various discrepancies said to have been committed by the enquiry officer. The second party in their counter statement contended that the domestic enquiry was conducted by competent person of jurisdiction and said enquiry officer has conducted the enquiry

by observing the principles of natural justice and the procedure envisaged under Canara Bank Service Code dated 1-1-1951 as amended from time to time.

8. Initially this tribunal has taken up the validity of domestic enquiry as a preliminary issue. After recording the evidence of both parties, both oral and documentary, this tribunal by its order dated 22-5-1989 gave a finding of this issue in the affirmative. In this finding the competency of the officer who conducted the domestic enquiry and the competency of the disciplinary authority to impose the punishment of dismissal was held in the favour of management.

9. After the order passed on domestic enquiry some interim order are passed immediately. There was also movement of records by this tribunal to criminal court in C.C. No. 27/90 in a case filed against the first party by the police for the offences punishable under Section 471, 420, 419, r/w Section 34 of India Penal Code. Thereafter the second party submitted a written arguments on 21-5-96. Similarly the first filed the written arguments on 8-7-97. The work of this tribunal was virtually dislocated for a period of 3 to 4 years. The first party is not in services from 25-4-84. Indeed it is a long duration of cessation of work.

10. In view of the above facts this tribunal has gone through the records of this case thoroughly vis-a-vis the stand taken by both parties against and for all conducting proceedings connected to charges.

11. The first party in the written arguments has mainly contended that the findings of the enquiry officer was perverse order as the enquiry officer pre-determined the guilt of the first party by setting a side the evidence that was in favour of first party has relied on the evidence which concluded for drawing surmises and conjecture. Therefore the finding of the enquiry officer lack the material evidence and therefore this tribunal has got jurisdiction to reappraise the materials placed by the second party fresh to pass a sustainable order.

12. The first party on the basis of the stand taken on the question of perversity has further contended that she has been victimised by the second party leaving the other staff members who have equally contributed their negligence in causing financial loss to the bank.

13. As against this submission the learned advocate, for the second party has strongly contended that once this tribunal comes to the conclusion that the domestic enquiry was conducted in all fairness and the findings of the enquiry officer was based on the legal evidence unless the punishment imposed by disciplinary authority shocks conscience of the tribunal, the judicial review shall not be used to substitute the penalty and impose some other penalty. The learned advocate further submitted an order of acquittal in the criminal case does not ensure to the benefit of the delinquent. The further contention of the learned advocate is that the first party had been habitually negligence in performing her duties, and her negligence caused loss to the public money, the second party lost confidence in keeping her in the services of the bank as it is against the interest of the bank and also the public interest.

14. The first party has produced the judgement in C.C. No. 27/90. The learned III Additional Chief Metropolitan Magistrate decided this case on 14-6-95. The first party and other person one K. Narasimhaswamy, were acquitted under Section 241 sub-clause 1 of criminal procedure court. The judgement discloses that the prosecution has not examined any of the witnesses cited by them to prove the guilt of the accused. Therefore this judgement does not help the first party directly. But it can be used as a contemporaneous evidence to the other facts and circumstances available in the case.

15. We are conscious of the fact, as laid down in J. D. Jain vs. State Bank of India, AIR 1982 SC 673, Nelsonmotis vs. Union of India (1992) 4 SSC 711 (para 5), T. B. Gowda vs. State of Mysore ILR Karnataka, 1975 page 895, a judgement of the full bench and plethora of other judgements on this point.

11 GI/99-11.

16. The department enquiry stand on different footing than the proving of the guilt before a criminal court. In domestic enquiry strict rules of evidence are not applicable and the charge nor required to be proved beyond reasonable doubt. The degree of proof is one of preponderance of probabilities and not to prove a charge to the hilt. Therefore, I said earlier that the judgement of a criminal court can be used as a contemporaneous evidence and the judgement can not be thrown away. The circumstances under which the acquittal was made will also have some bearing when examining the materials in the domestic enquiry.

17. I have closely gone through the report of the enquiry officer, the evidence recorded in the domestic enquiry and pre-investigation report of two officers of the bank on the basis of which the allegation of charge was framed against the first party.

18. The enquiry officer in his report, marked as Ex. M-4 summarised the evidence of the witnesses examined for the management to the extent the materials that goes against the first party. The materials placed by these witnesses to the benefit of the first party has not at all considered. We are conscious what is the limitation of an enquiry officer in reaching conclusion on the basis of materials placed before him. But it can not be lost site of even for a moment that this type of reports shall be appreciated on the facts and circumstances of a particular case. There are cases of direct evidence which does not complicate the issue. In that circumstances the report of an enquiry officer can be accepted without any reservation. But there are cases where lot of intercasia are involved and where it is difficult to come to a definite conclusion, and in such circumstances a tribunal or labour court make its endeavour to set right the anomalies. This fact is most important because the report of the enquiry officer results in awarding an economic death for a delinquent. Therefore the case law is developed to the extent that the tribunals sitting as quasi-judicial authorities shall not reappraise, the evidence to come to a different conclusion than what an enquiry officer reached. But the tribunals and labour courts have got jurisdiction to set right a report which is not based on legal evidence.

19. If we go through Ex. M-4, the preamble of discussions made by the enquiry officer, he pre-determines the issue and then proceeds to discuss the evidence. For example in para 3, page 4 of the report the enquiry officer states:

"The modus operandi for fraudulent withdrawal being similar to the one adopted at Vasanthanagar, Bangalore branch, there are reasons to believe that Smt. B. S. Lalitha has actively connived with the person/s and also assisted him/them in fraudulently withdrawing a sum of Rs. 70,800."

20. We may, innocently call the above remark as mere opinion made by the enquiry officer. But, in legal parlance this amounts to pre-determination of the issue which is unrecognised by the law.

21. In M/s. Banaras Electric Light and Power Co. Ltd. vs. Labour Court reported in AIR 1972 SC 21/82, it is pointed out by their lordships of Supreme Court that to justify in characterising the findings recorded at the domestic enquiry as perverse it can be shown that such a finding is entirely opposed to the whole body of evidence adduced before it.

22. This reasoning of the Supreme Court was to check the power of the tribunal to arrive at that conclusion even though it is possible for some other authority to arrive at the different conclusion on the same evidence.

23. I have stated at supra, as it regards to the conclusion made by the enquiry officer in his report Ex. M4 by taking into consideration the evidence beneficial to the first party.

24. In these back grounds if we peruse pre-investigation report of MW-1 Mr. M. R. Radhakrishna and MW-5 Mr. Upadhaya, in the back ground of the first party documents Ex. W-1 to Ex. W-8, the question of perversity in the report is glaring. Ex. M3 (in the domestic enquiry) is the report of Mr. Radhakrishna as it refers to second party. He also made reference to the first charge and appears to have been influenced by the tenor of that charge. We have extracted,

to the best possible way the allegation of charge made against the first party at Vasanthnagar branch and Malleswaram branch.

25. In Ex. M3 Mr. Radhakrishna initially reports the circumstances under which a cheque book was given to one Shri C. Narayana, a messenger of Shri Chikkanarasimhaiah an account holder of SB 41966. This messenger insisted for the issue of cheque book on the ground that the cheque leaves of previous cheque book was exhausted as they were issued to some other purpose. The one of the leaf was misused from this cheque book by a person by name Shri Chikkanna who opened an account at Town Hall branch, in presenting a cheque for Rs. 70,800 as issued by the account holder. When this cheque was sent for collection for Malleswaram branch it was passed for payment by Shri Madhava Nayak, Manager in charge of deposit section at the branch. He reports that many other employees were also involved in committing negligence and no action was taken against them. The other piece of circumstances is that one Shri K. Narasimhaswamy who is closely known by the first party accompanied the alleged Chikkanna who went to Mysore to encash the D.D. for Rs. 70,000 which he obtained at Town Hall branch, after the money was realised from the account of Chikkanarasimhaiah.

26. With regard to first charge, MW-5 Mr. Upadhaya made a report under Ex. M-33 (marked in the domestic enquiry). In this charge a sum of Rs. 20,000, Rs. 5000 and Rs. 550 was drawn in the account of one Shri Bandi Sab by presenting the cheques which were constantly misplaced at Vasanthanagar Branch after closing of account by one Shri Chiovanna. The misconduct said to have been committed by the first party is that she has certified the signature of an account holder in that branch by name Shri K. M. Shetty, whose name appears to have forged in an account opening form of one Mr. B. Kumar and that signature sent for verification to Vasanthanagar branch the first party certified this as the signature of K. M. Shetty.

27. In this report Shri Upadhya states there was some negligence in maintaining returned cheque leaves. He, in fact extracts the statement of Shri K. M. Shetty as follows:

"Shri K. M. Shetty, holder of SB 126 at Vasanthanagar branch whose signature has been forged in the SB a/c opening form of SB 26005 told me during the course of discussion that he doubt a person by name Mr. Kumar, who is the son of Late Muddu Suvarna, a prominent personality of D. K. District. He further told me that the above Kumar knows him and had come to his house once or twice. Mr. Shetty doubted Mr. Kumar as the man behind this fraudulent withdrawal as he is known for such activities and he has done mischief in Vijaya Bank, Udipi. Further, the description of Shri Kumar, S/o Late Muddu Suvarna tallies with the description of Smt. Vijaya Dutta and Smt. Uma Shashi. In the circumstances, I suggest that we may try to get the details of Mr. Kumar, S/o Muddu Suvarna confidentially from Vijaya Bank, Udipi."

On the strength of this statement we cannot say the involvements of the first party in this transaction to have any illegal gain, except a small negligence in identifying the signature of K. M. Shetty in the introduction form for opening an account of that alleged Kumar. No handwriting expert was examined except self served statements of interested persons. Mr. Upadhaya also states that the other officials were also equally negligent in this transaction.

28. On the basis of this, the enquiry officer makes a report to the Dy. General Manager under Ex. W-1 dated 6-11-84 that in the fraud committed at Malleswaram branch, Shri M. M. V. Naik, Manager, Smt. Lalitha, Accountant were also directly involved. He further says in respect of fraud at Vasanthanagar branch, Shri M. P. Prabhu, Accountant is involved. This report is simultaneous to the date of enquiry report.

29. In these back ground this court resorted to discuss the perversity in the report.

30. If we go through the evidence of MW-1 to MW-5, the enquiry officer in the absence of a presenting officer to the second party has asked the questions. On perusal of the questions, they are nothing but leading questions. A leading question is that any question suggesting the answer which the person putting it wishes to expects to receive is called a leading question.

31. The enquiry officer has conveniently ignored the answers given in the cross-examination which favoured the first party. In the evidence of MW-2 certain answers in the cross-examination required reproduction.

Q. You have put in long service in Bank. I hope you know about verification of signature?

A. Yes.

Q. Do you agree that in course of time that there will be some difference in one's own signature?

A. Yes.

Q. Please go through Ex. M-18 and M-19. Both belong to Chikkanarasimhaiah?

A. Yes.

Q. I put it to you that though both belong to him there is difference?

A. Yes, due to time gap.

Q. Once again in M-21 and also M-25B signature supposed to be of Chikkanarasimhaiah seems to be same

A. If you minutely observe there is difference. But outwardly appears to be the same.

Q. Once again between M-24 and M-21 and M-25 outwardly the signature appear to be same?

A. Yes.

Q. Please see Ex. M-24 and find out who has passed this cheque for payment?

A. I can't make out. But it is not done by Smt. B. S. Lalitha. She was not there on that day.

Q. I put it to you signature as appearing in Ex. 19, M-21, M-24 and M-25B even though there is some difference in some respects the signature tally. Do you agree?

A. They resemble. But if you minutely observe they will not tally.

32. In respect of M3 K. Nalani some of the questions and answers are worth noting.

Q. Your statement to Shri M. Radhakrishna were your own?

A. Yes, I answered to his question and my replies were recorded by him.

Q. You have told that before issuing new cheque book you were verifying the earlier cheque books issued. Are you doing in case of all parties?

A. Yes, generally I am verifying.

Q. Cheque book can be issued even to persons other than parties on the basis of requisition?

A. Yes, most of the parties are sending third persons.

Q. You obtained two signatures because you got a doubt? Hence except signature you had no other doubt?

A. No. Since I was only a leave reserve I did not suspect that he was not party's representative.

Q. Were you not doubtful as to genuineness of bearer as representative of Chikkanarasimhaiah?

A. I did not get a doubt as C. Narayana said he was sent by Chikkanarasimhaiah.

33. In the cross-examination M-4 Upadhaya:

Q. You have stated on page No. 1 para 4 of your report, about eraser of entry in the Ledger sheet. Do you make out who has done it?

A. Though I tried to find out I could not make out.

Q. You have stated that Mr. K. M. Shetty had denied having introduced. Apart from oral denial any documentary evidence?

A. I showed the A/C opening form to Mr. Shetty and he denied his signature thereon.

Q. You have gone through A/C opening form of Kumar and said it is fictitious. Can you tell me whether you have verified the handwriting as appearing in the form with any of our employees?

A. I obtained statements from ten employees of Rajajinagar III Block branch and also interrogated number of employees in the branch. I could not come to any conclusion.

Q. You have stated that earlier one cheque was returned for the reason drawee's signature differs of Mr. Kumar for Rs. 20,000. As also the returned cheque was also collected by Mr. Kumar. Please tell me what are the documents verified by you?

A. I remember to have verified cheque returned register as well as a copy of the 'Beg to hand memo' enclosing the said cheque.

Q. You have stated that the employees connected with the case were all negligent in discharging their duties but you have replied that Smt. Lalitha was only negligent. I put it that besides Lalitha the connected clerks were also negligent?

A. Smt. Lalitha was obviously negligent for having passed the forged cheque.

34. I highlighted few questions and answers to show that the enquiry officer has not taken into consideration the material evidence extracted above to give benefit to the first party. Besides an absolute silence is maintained by the second party in respect of Mr. B. Kumar and Mr. Chikkanna who have been responsible for committing forgery causing loss to the bank. There is also no material of giving any complaint against 2 persons and the result of investigation. The second party gave complaint only against the first party and other person who were prosecuted and ended in acquittal. No materials are placed by the second party to show why they did not subjected their witnesses for evidence before the criminal court. There is no whisper or legal evidence to prove the connivance of the first party with Mr. Kumar or Mr. Chikkanna, except the fact that Shri K. Narasimha Swamy accompanied Mr. Chikkanna to Mysore to encash the D.D. for Rs. 70,000. The above facts and circumstances not only shows the perversity in finding but also victimisation of the first party by the second party.

35. In *M/s. Bharat Iron Works vs. Bhagubhai Balubhai Patel* AIR 1976 SC 98. The Supreme Court gave a word of caution that victimisation is a serious charge by an employee against an employer and therefore, it must be properly and adequately pleaded giving all particulars upon which the charge is based to enable the employer to fully meet them. The charge must not be vague or indefinite being as it is an amalgam of facts as well as any inferences and attitudes.

36. In the written argument at para 12 it is stated that the second party has not initiated the disciplinary authority against some of the persons who also discharged their duties in the normal routine course during the relevant period for which the charge sheet has been issued against the first party the other persons similarly placed are :

1. Mr. M. P. Prabhu.
2. Mr. Madhava Nayak.

3. Smt. Nalini.

4. Smt. B. S. Lalitha.

5. Shri Nirmal Row.

6. Shri Madhukara Kamath.

37. The entire evidence does not show any monetary benefit gained by the first party. Except some minor negligence act in verifying the signatures, no grave offence is proved against her. Therefore Section 11A is required to be pressed into service. I am not intended to make an elaborate discussion on Section 11A as its object is well known depended upon the facts and circumstances of a particular case.

38. It is mandatory that while considering Section 11A the tribunal shall rely only on materials on record and shall not take fresh evidence in relation to the matter. The materials on record discloses that several other bank employees working in the respective branches were also contributed their negligence. No materials are placed by the second party as to what action they have taken against the other erring staff.

39. The 5th schedule to the Industrial Disputes Act, describes what act amounts to unfair labour practice. Under sub-clause (5) the unfair labour practice includes the discharge or dismissal of a workman by way of victimisation; not in good faith; in the colourable exercise of the employers rights and by falsely implicating the workman in the criminal case on a false evidence or on concocted evidence. In the earlier paragraphs I have stated that an order of acquittal in a criminal case, irrespective of its merit or demerits, will have a bearing on the identical charge and the conclusion arrived under domestic enquiry. The law recognises the interdependence of these two authorities i.e. conducting of domestic enquiry and prosecuting a criminal case simultaneously or conducting the domestic enquiry even after an acquittal order made by a criminal court. But the substratum of these 2 proceedings required to be examined while deciding the gravity of the offence, except the fact that the prosecution was not able to produce the witnesses in the criminal case, which resulted in the acquittal, we have no other material as to why the witnesses were not made available in criminal case. Therefore clause (c) of sub-clause 5 under the 5th schedule is factually applies to this case and there is no impediment to brand that the second party are guilty of practicing unfair labour practice. Keeping all these facts in view we have to apply section 11A of the Act.

40. After the report of the enquiry officer the disciplinary authority and appellate authority failed to appreciate the letter given by the enquiry officer (marked as Ex. W1). In the back ground of Ex. W1 there was no impediment for the disciplinary authority and the appellate authority to mould the punishment of minor nature in spite of dismissing the first party.

41. With regard to this facts and circumstances, this tribunal has no hesitation to hold that the punishment of dismissal against the first party is legally unwarranted. One cannot be taken away by looking at gravity of the charges made against the party, but one should see the relative materials to prove that charge. The statement leading to conclusion, an element of doubt cannot be treated as proof. Therefore the second party was not justified in dismissing the first party. Since the order of dismissal shocks the conscience of the tribunal, the relief of total exoneration is warranted. Due to this long lapse of delay it is not desirable or legally justifiable to give a direction to the second party to reconsider the penalty imposed, since it is an exceptional case the following order is made.

ORDER

42. The second party was not justified in dismissing Smt. B. S. Lalitha, Social Assistant v.e.f. 11-7-1985. The first party is entitled for reinstatement and continuity of service. Her wages or salary shall be fixed as if she continued in service without any interruption. If she has attained the

age of superannuation as on the date of this order she is eligible for monetary benefits. With regard to back wages I am not inclined to grant 100 per cent but she is eligible to have 50 per cent towards back wages. If second party followed the principles laid down in R. M. Parmar vs. Gujarat Electricity Board (1982) LAB IC 1031 to impose lesser penalty the first party might not have been obliged to take recourse to costly legal proceedings which resulted in the loss of public time and also resulted in considerable hardship and misery to the employee concerned.

43. (Dictated to stenographer, transcribed by her, corrected and signed by me on 30th November, 1998 Monday.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 1998

का.आ. 156.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, II, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एल-12012/386/97-आई आर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 18th December, 1998

S.O. 156.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 16-12-98.

[No. L-12012/386/97-IR (B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II
MUMBAI

PRESENT

SHRI S. B. PANSE

PRESIDING OFFICER

REFERENCE NO. CGIT-2/14 of 1998.

EMPLOYERS IN RELATION TO THE MANAGEMENT OF CENTRAL BANK OF INDIA

AND

THEIR WORKMEN

APPEARANCES:

FOR THE EMPLOYER : Mr. L. L. D'Souza
Representative.

FOR THE WORKMEN : Mr. S. P. Patil
Representative.

MUMBAI, dated 19th November, 1998

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/386/97-IR (B-II) dtd. 26-2-98 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of Central Bank of India, Mumbai in terminating the services of Sh. Rajesh A Mazgunkar and subsequently engaging a junior workman Ms. Sunila to the same post is legal and justified? If not, to what relief the said workman is entitled to?"

2. After the receipt of the notice from the Tribunal the General Secretary of the Union filed a Statement of Claim at Exhibit-4. The management filed a written statement at Exhibit-10. The union again filed a rejoinder at Exhibit-11. I have framed issues at Ex-12.

3. Today the matter was kept for hearing. The parties settled the matter and filed a purshis at Exhibit-13. In view of the said settlement the workman filed a purshis (Ex-16) contending that as the dispute is settled he wants to withdraw the reference and it may be disposed off accordingly. Under these circumstances it is not necessary to give details of Statement of claim, written statement and the rejoinder.

4. The bank agreed to employ the workman again on the terms and conditions mentioned in the settlement (Ex-15). In the result I pass the following order.

ORDER

The reference is disposed off as settled.

S. B. PANSE, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 1998

का.आ. 157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बेंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एल-12012/293/95-आई आर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 18th December, 1998

S.O. 157.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 16-12-98.

[No. L-12012/293/95-IR (B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT BANGALORE

Dated 27th November, 1998

PRESENT:

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 193/97

I PARTY

Shri C. Bheema Raju,
C/o Hotel Ashoks
MBT Road, Palamaner Taluk,
Chittor District
Andhra Pradesh.

II PARTY

The Personnel Manager
Canara Bank H.O.
J. C. Road,
Bangalore-2.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/293/95-IR(B-II) dated 10-2-1997 for adjudication on the following schedule.

SCHEDULE

"Whether the action of the management of Canara Bank is justified in removing the name of Shri Bheemmaraju from the panel of daily wages on grounds of misconduct/misbehaviour? If not, to what relief the workman is entitled to?"

On the receipt of the reference it was registered and necessary notices were issued. The notice issued to the first party by ordinary post returned unserved. A notice by RPAD was issued the same was returned with a postal shara "ADDRESSEE LEFT THE PLACE". For the second party Shri T. R. K. Prasad, an advocate, filed vakalatnama. The first party who raised this dispute has not made any efforts to know the progress of his case nor he has complied the mandatory provisions contained under Rule 10B of the Industrial Disputes (Central) Rules, 1957.

In these circumstances the reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 1998

का.आ. 158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में निरीक्षणों और उनके कर्मचारियों के बीच, अनुबंध में निरीक्षण औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बेंगलूर के पंचाट को प्रकाशित है जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एन-12012/298/91-आई आर (बी-II)]

सौ. गंगाधरन, डेस्क अधिकारी

New Delhi, the 18th December, 1998

S.O. 158.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 16-12-98.

[No. L-12012/298/91-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT BANGALORE

Dated 27th November, 1998

PRESENT:

Justice R. Ramakrishna, Presiding Officer.
C. R. No. 32/92

I PARTY

The General Secretary,
Syndicate Bank Staff Association,
Ananda Plaza, 11 Floor,
Near Ananda Rao Circle,
Race Course Road,
Bangalore-9.

II PARTY

The General Manager,
Syndicate Bank,
Head Office,
Manipal-576119.
The Dy General Manager,
Syndicate Bank, Z.O.
Kirkoskar Road,
Belgaum Post.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication vide Order No. L-12012/298/91-IR(B.II) dated 26-3-1992 on the following schedule.

SCHEDULE

"Whether the action of the management of Syndicate Bank in terminating the services of Shri B. J. Kesha-va, Clerk is justified? If not, to what relief is the workman entitled?"

2. The parties appeared and filed their statements. The first party contended in his claim statement that his services as a clerk in the second party branch at Gangavathi, was came to end by his removal by the second party as Voluntary retirement w.e.f. 30-7-1986. Accordingly to him the management construed his absence from duty since 30-9-85 as voluntary retirement.

3. He has further contended that he has sent leave application supported by medical certificates and therefore a notice terminating his services is invalid and nullity in the eyes of the law. He has also stated his removal under clause XVI of the Bipartite Settlement is not justified as some of the conditions are not completed. Therefore he attributes colourable exercise by the second party and in the result he is entitled for reinstatement, backwages, continuity of service and consequential benefits.

4. The main contention of the second party in their counter statement is that the first party was remained absent from 30-9-1985 to 31-12-1985, 1-1-1986 to 31-1-1986 and again up to 28-2-1986. A letter from the second party dated 14-2-1986 to furnish the details of ailment, probable period of treatment, medical certificates were not complied and he has failed to respond to the said letter. A letter on 23-6-1986 was issued informing the inconvenience caused to the bank due to his continuous absence and he was asked to report on or before 28-7-1986 with proper explanation for his absence, failing which he would be deemed to have voluntary retired from the service of the bank. The first party did not respond even to this letter and as such on 30-7-1986 a letter was issued to him stating that he would be deemed to have retired voluntary w.e.f. 29-7-1986 under the provisions of 4th Bi-partite settlement.

5. Since the burden is heavily placed on the first party due to factual antecedents leading to the fact of removal of the first party. But first party failed to appear and give evidence. The learned advocate for the first party filed a Memo for disposal, according to learned advocate the workman is not available to submit evidence.

6. In these facts and circumstances and giving credence to the factual averments made by the second party they are justified in removing the first party workman from the services. In the result for the reasons stated above the following award is made.

AWARD

7. The second party are justified in removing the first party workman. Consequently the reference is rejected.

8. (Dictated to the stenographer, transcribed by her, corrected and signed by me on this 27th November, 1998).

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 1998

का.आ. 159.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट श्रौद्योगिक विवाद में श्रौद्योगिक अधिकरण, पटना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एल-12012/313/96-आई आर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 18th December, 1998

S.O. 159.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Patna as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 16-12-98.

[No. L-12012/313/96-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

Before the Presiding Officer,

Industrial Tribunal, Patna.

Reference No. 8(c) of 1997.

The Zonal Manager, Punjab National Bank, R. Block Patna and their workman represented by the General Secretary, PNB Staff Union C/o Punjab National Bank Zonal Office, Patna.

For the Management : Sri Subodh Kumar, Officer.

For the Workman : Sri B. Prashad, General Secretary, Bank Employees Federation, Patna.

Present : Sri Raja Ram Singh, Presiding Officer, Industrial Tribunal, Patna.

AWARD

The 30th November, 1998

By adjudication order No. L-12012/313/96/IR(B-II) dated 18-8-1997 the Central Government (Government of India) in the Ministry of Labour, New Delhi referred us 10(1)(d) of the Industrial Disputes Act (hereinafter to be referred as 'the Act') the following disputes between the Management of Punjab National Bank, Patna and their workman represented by General Secretary, PNB staff Union, Patna for adjudication :—

"Whether the action of the Management of PNB Bhagalpur in terminating the services of Sh. Pappu Kr. Singh is justified or not? If not, then what relief the workman is entitled to?"

(Hereinafter Pappu Kr. Singh will be referred as the 'workman').

2. After receipt of the aforesaid adjudication order the reference was registered and the parties were directed to appear in this Tribunal on 23-9-1997. On 23-9-1997 both parties appeared and a written statement of claim was filed on behalf of the workman. Copy of the written statement filed on behalf of the workman was served on the Management and the Management filed its reply to the statement of claim filed on behalf of the workman.

3. Documents were filed on behalf of the workman by the union and the Management. Thereafter a date was fixed for evidence and two witnesses were examined on behalf of the workman and five witnesses were examined on behalf of the Management and documents filed on behalf of both sides were marked Exhibits. Thereafter the argument was heard on behalf of both parties.

4. The case of the workman as mentioned in the written statement filed on his behalf is as follows :—

The workman Shri Pappu Kumar Singh was employed as a sub-staff in Punjab National Bank, Bazar Branch, Bhagalpur from 21-4-1989 and continued to perform his job in the aforesaid capacity till 12-11-1993. During the tenure of his employment the workman had been paid wages Rs. 60/- per week through vouchers by the Bank Management. Previously he was paid his wages at the rate of Rs. 5/- per day and subsequently it was raised to Rs. 10/- per day. In the course of employment the workman was entrusted mainly with the following works which were being performed by a permanent peon :—

- (i) Bringing and keeping ledgers of the Bank at the time of opening and closing of the Bank.
- (ii) Job of carrying Daks of the Bank to the post Office.
- (iii) Carrying cash Box from the strong room to the cash cabin.
- (iv) Ledgers binding work.
- (v) Distribution of Bills intimations.

After working for nearly 4 years, and rendering his continuous service, the workman prayed the competent authorities on many occasion to regularise/absorb him in subordinate cadre permanently in the Bank for security of job and in order to get full scale of pay of subordinate staff. The Management did not concede to the demands of the workman for his regularisation/absorption nor did they increase the pay at par with other subordinate staff. The workman has put in more than 240 days of continuous service in the Bank.

The Bank Management instead of regularising/absorbing the workman permanently in full time subordinate cadre, terminated his service without fulfilling the conditions of section 25F of the Industrial Disputes Act. So the termination was illegal and unjust and he is entitled for reinstatement with full back wages. An industrial dispute was raised on behalf of the workman by the union and ultimately this Reference was made to this Tribunal for adjudication.

5. A petition by way of reply to the statement of claim filed on behalf of the workman was filed on behalf of the Management raising objections to the claim made by the workman. In the reply petition filed on behalf of the management it was alleged inter alia that Pappu Kumar Singh was engaged by the PNB Bazar Branch, Bhagalpur for supply of drinking water to the Branch during the period 1990 to October, 1993 where his relation with the Bank was that of a seller and buyer and not that of a employee and employer. He has supplied drinking water for 212 days in 1990, 163 days in 1991, 142 days in 1992 and 109 days in 1993. He was compensated at the rate of Rs. 5.00 for work per day through vouchers from different expenditure head(s). However, he was asked for a few days intermittently for some miscellaneous work. He was engaged for 26 days in 1990, 137 days in 1991, 148 days in 1992 and 108 days in 1993 for such miscellaneous work. He was compensated at the rate

of Rs. 5 per day for work through vouchers from different expenditure heads. He worked for more than one type of job for certain job and he was compensated separately. He was not compensated for sundays and holidays. His name neither appeared in the attendance register nor in the salary register of the Bank. It was wrong to say that he was a subordinate staff of the Punjab National Bank. So the dispute is not an industrial dispute u/s 2(k) of the Act. It has been further alleged that he never worked continuously for 240 days. For some days intermittently he was asked to work like sweeping the Branch premises and cleaning outside of the Branch etc. Throughout the period only once Shri Pappu Kumar Singh was asked to go to GPO for which he was compensated. He was never allowed to bring cash box from strong room to cash cabin. He never performed the duty of binding of ledger. There was no question of service of one Month's notice or notice pay or other benefit as claimed by him on retrenchment. Thus the claim made on behalf of the workman has been denied by the Management.

6. Now the point for determination arises whether the action of the Management of PNB, Bhagalpur in terminating the services of Sri Pappu Kumar Singh is justified or not.

7. According to the workman he was appointed as a subordinate staff in the Punjab National Bank, Bazar Branch, Bhagalpur. According to the Management he was not appointed as sub-staff, rather, he was engaged only for casual work. So according to the Management he was a casual worker, but there is no dispute that the workman worked in the Bank from 21-4-1989 to 12-11-1993. According to the Management he was paid previously Rs. 5 per day for his work and subsequently it was raised to Rs. 10 per day. So according to the contention raised on behalf of the Management it appears that Pappu Kumar Singh was daily rated labour. So according to the Management he was not a workman under the provisions of section 2(s) of the Act. However, in view of the decision of the Hon'ble Patna High Court in the case of Dinesh Sharma and others and State of Bihar and others reported in B.L.J.B. (Vol. 31) p. 207 the casual workers are also workman u/s 2(s) of the Act and the benefit under the Act including section 25F is available to casual workers also. So under such circumstances Pappu Kumar Singh is a workman under the Act and any dispute relating to his non employment would be industrial dispute under section 2(k) of the Act. So the contention raised on behalf of the Management on this point can not prevail.

8. Now according to the Management he was engaged for supplying drinking water to the Branch, although it has been stated that he performed some other functions like sweeping and going to GPO he was paid remuneration for that. He was paid wages on daily basis. There is no dispute on this point that he was disengaged from 21-4-1989. Learned representative of the Management submitted that he was not appointed by a competent authority in a regular manner, but it appears that he was working as a casual workman in the Bank. So the question of regular appointment does not arise in this case. The concept of 'regular' or 'irregular' appointment is foreign to the Industrial Dispute Act. The definition of the workman u/s 2(s) of the Act is clear. It is very broad and wide. Pappu Kumar Singh will be covered by the definition of the workman u/s 2(s) of the Act.

9. W.W. 1 is Pappu Kumar Singh himself. He has supported his case made out in his written statement. He has proved his signatures on the bank of the copy of the payment vouchers. He has stated in his evidence that he was terminated on 12-11-1993 but neither notice was served on him nor any wages was paid in lieu of notice. No retrenchment compensation was paid to him. He has further alleged that he worked 240 days continuously in one calendar year and he worked continuously for more than four years.

10. W.W. 2 is Ram Gopal Pandey who is an employee as Special Assistant in the PNB, Barari Industrial Estate Bhagalpur. He has stated that he was posted as clerk-cum-Cashier in the Bazar Branch, Bhagalpur from 1981 to 8-12-1990. He was knowing the concerned workman Pappu Kumar Singh. Pappu Kumar Singh was orally appointed

on and from 21-4-1989. He has stated that Pappu Kumar Singh used to perform the function of taking out ledger, registers from the Almirah and used to put on counters. He used to distribute bill intimation and post registers and ordinary mails to the post office. Pappu Kumar Singh used to perform the same function which was performed by a permanent peon. Pappu Kumar Singh worked continuously more than 240 days from 21-4-1989 to 8-12-1990. He has proved the vouchers Exts. W/8 to W/12. So both witnesses examined on behalf of the workman have supported the case of the workman that he was performing the function of a peon in the said Branch of Punjab National Bank and Pappu Kumar Singh was getting wages at the rate of Rs. 5 per day while he was subsequently raised to Rs. 10 Vouchers have been proved showing the payment of wages to Pappu Kumar Singh at the rate of Rs. 10 per day. So it is sufficiently established that Pappu Kumar Singh was working in the Bank as casual labour on the daily rated wages.

11. On the other hand five witnesses have been examined on behalf of the Management. W.W. 1 is K.D. Prasad who was posted as Branch Manager at Bazar Branch, Bhagalpur since 11-12-1991 upto 24-6-1995 where Pappu Kumar Singh used to supply drinking water. He generally supplied water daily. He was paid for supplying drinking water. Previously he was paid Rs. 5 per day. Thereafter he was paid Rs. 10 per day. He was not utilised as a peon job. He never worked 240 days continuously. His name was not recorded in the attendance register or salary register. He has stated in his cross-examination that the payments were made through vouchers on different heads like Manager's power or water tax, light and electricity. He has proved payment vouchers Ext. W to W/4. He has stated that there was no contract for specific period for specific work between the Management and the workman. He has further stated that he was not paid any amount for retrenchment compensation. No notice was served on him nor any amount in lieu of the notice was paid to him.

M.W. 2 Aseem Bali has proved a letter addressed to Regional Manager, Patna. He does not know Pappu Kumar Singh. However he has admitted in his cross-examination that he has mentioned in the letter Ext. M/2 that Pappu Kumar Singh used to perform the miscellaneous work also besides supply of drinking waters. M.W. 3 Haris Chandra Hasija has also stated that he was posted at Bazar Branch as Assistant Manager from May, 1991 to October, 1992. He has stated that Pappu Kumar Singh was working as Waterman. He has stated that he did not remember that Pappu Kumar Singh worked as Peon or not. He was getting Rs. 5 per day initially as wages. He has stated that in his knowledge Pappu Kumar Singh was never appointed as Peon by the Bank. He has further stated that he was paid labour charge under Manager's power expenditure head and he was not paid through salary bill. Amrendra Kumar M.W. 4 has stated that he was Assistant Manager at Bazar Branch Bhagalpur from April or May, 1992 to 19-11-1994. During that period Pappu Kumar Singh was working till 1993. He used to bring the water but he did not perform the function of peon. He was paid remuneration according to bucket. He was paid Rs. 10 for each bucket. He was not paid remuneration through salary bill, rather, he was paid through Manager's power expenditure head. However his evidence is not in conformity with the pleading of the Bank. It is not the case of the Bank that he was paid Rs. 10 per bucket. So his evidence can not be relied upon.

W.W. 5 is Kumar Rakesh Chandra. He was working as Officer staff section in the Regional Office, Patna. He has narrated the manner and procedure of the recruitment of the sub-staff.

12. So on the basis of the evidence adduced by the both parties it becomes evident that Pappu Kumar Singh was appointed as casual workman at daily rated wages and worked in the bank from 21-4-1989 to 12-11-1993 as a casual workman. From the evidence of M.W. 1 also appears that there was no contract for specific period for specific work. So he was not employed for specific work for specific period. So he was not employed on the basis of any contract for specific period for specific work.

13. According to the Management the workman never worked more than 240 days within 12 calendar months. So

he was not in continuous service for one year at any point of time. However from the pleading of the Management it appears that he was engaged for 212 days in 1990, 163 days in 1991, 142 days in 1992 and 109 days in 1993. According to the workman, the contention of the Management. Since the documents relating to the payment of wages were of the Management have not testified this statement made by the Bank in the reply petition which is pleading of the Bank. Since the documents relating to the payment of wages were in the office of the Bank, so it was the duty of the Bank to produce the vouchers on the basis of which the charges were paid to Pappu Kumar Singh which can show the dates for which he employed by the Bank on the daily basis. Even according to section 106 of the Indian Evidence Act when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him. Although this provision of Indian Evidence Act may not be applicable to the industrial cases in the I.D. Act, but the principle involving in this provision will be applicable and the Tribunal may take aid and guidance from it. Here the papers regarding his employment were within the possession of the Management. So it was the duty of the Management to prove that workman worked only such period within a year as mentioned in the reply petition filed by the Management. The Management was asked to produce all the relevant vouchers regarding payment of wages to the workman to show the days for which he worked for a particular year, but the Management did not produce. On the other hand the workman filed a statement of work done by him as a workman in the Punjab National Bank, Bazar Branch, Bhagalpur from 21-4-1989 to 12-11-1993. The statement was verified by Pappu Kumar Singh that details of the work chart has been prepared on the basis of the record available in the Bank. The copy of the chart was served on the representative of the Management. The chart has been proved as Ext. 13. Prayer was made on behalf of the Regional Manager, Punjab National Bank, Patna on 12-10-1998 on the ground that the officer to the witness in connection with the verification of the statement submitted by the claimant had not come to Patna due to half yearly closing work. However time was allowed but on the next date no evidence was adduced denying the correctness of the chart submitted by the claimant. So the Management was given opportunity to verify the correctness of the chart Ext. 13 filed on behalf of the workman and the Management deputed officers to verify the statement submitted by the claimant but no evidence was adduced denying the correctness of the chart. Although the chart was claimed to be prepared on behalf of the workman as proved by W.W. 2 but the correctness of the chart was not denied by the Management. On the other hand Management did not produce any other chart to show the number of days for which the workman had been engaged during the period of his engagement/employment. So the Tribunal has no alternative but to rely on the chart produced by the workman to determine the days for which he worked during the period of his engagement/employment. The termination of the workman comes under the definition of retrenchment u/s. 2(oo) of the Act.

14. Now the workman was disengaged/terminated on 21-4-1989. From the chart Ext. 13 it appears that the workman worked for more than 240 days within 12 calendar months continuously for three years before the date of retrenchment. I have carefully verified the working days shown in the list and found that the workman worked more than 240 days within three 12 calendar months before the date of retrenchment. So the workman will be said to be in continuous service for three years, although he did not work continuously for the entire one year, by virtue of the provisions of section 25(B)(2) of the Act. So the workman will be deemed to be in continuous service for more than one year by fiction before retrenchment.

15. So it becomes evident that Pappu Kumar Singh was a workman within the meaning of section 2(s) of the Act and thus there was relationship of the employee and employer between him and the Bank which is an industry under the Industrial Disputes Act and he has been put in not less than one year continuous service as defined under section 25(B) of the Act under the employer. So all the conditions to attract the provisions of section 25F of the Act are fulfilled by the workman, but the conditions precedent with the retrenchment of the workman were not complied by the Management. There is no dispute on this point. The

witnesses on behalf of the Management have admitted that neither notice under section 25F of the Act was served on the workman nor wages in lieu of notice was paid to him. The Management witnesses further have admitted that no retrenchment compensation was paid to the workman at the time of retrenchment. Further there is no evidence that notice under prescribed manner was served on the appropriate Government as prescribed under section 25F (c) of the Act. So the termination of the workman amounting to retrenchment was made in violation of the provisions of section 25F of the Act. So the retrenchment is illegal. Since it is illegal, so it is unjustified and improper.

16. The learned representative on behalf of the Management relied heavily on a decision of the Hon'ble Supreme Court reported in 1996 (72) FL R-237 (S.C.) Himansu Kumar Vidyarthi and others and State of Bihar and others. In the aforesaid judgement the Hon'ble Supreme Court did not apply the principles of section 25F of the Act to the workman who were retrenched. The learned Supreme Court observed as follows :—

"The question for consideration, therefore, is : whether the petitioners can be said to have been 'retrenched' within the meaning of section 25F of the Industrial Disputes Act ? Every Department of the Government can not be treated to be 'industry'. When the appointments are regulated by the statutory rules, the concept of 'industry' to that extent stands excluded. Admittedly, they were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employees working on daily wages. Under these circumstances their disengagement from can not be construed to be a retrenchment under the Industrial Disputes Act. The concept of 'retrenchment' therefore, can not be stretched to such an extent as to cover these employees."

So the Hon'ble Supreme Court did not apply the provisions of section 25F to the petitioners because there was no evidence that the department to which the petitioners belonged was an industry but undoubtedly section 25F can only be applicable in the case of retrenchment in an industry. There is no dispute that the Bank is an industry under the meaning of section 2(j) of the Act. So this decision of the Hon'ble Supreme Court can not apply in this case.

17. Thus on the consideration of the entire facts and circumstances of the record, I find that the termination of Pappu Kumar Singh was not legal. So it can not be said to be justified. Thus the action of the Management of Punjab National Bank, Bhagalpur, therefore, in terminating the services of Sri Pappu Kumar Singh was not justified.

18. Now the question arises what relief the workman is entitled to. The natural relief of the wrongful and illegal retrenchment is the reinstatement with full back wages.

19. In this case the regularisation of the workman in the cadre of subordinate staff (Peon) has been claimed. But the regularisation of the workman to the cadre of subordinate staff is not within the reference. So according to the provisions of section 10(5) of the Act, the Tribunal can not go beyond the points of dispute referred for adjudication. The Hon'ble Supreme Court in the case reported in A.I.R. 1979 S.C. 1356 Pottery Mazdoor Panchayat Vs. Perfect Lottery Co. held that the Tribunal can not go beyond the terms of the reference. So it is not within the competence of this Tribunal to consider the question of regularisation of the workman to the subordinate staff cadre.

20. The workman is entitled for back wages but the workman was paid at the rate of Rs. 10 per day as wages. The amount of wages appears to be very meagre and low. The Tribunal can confine its adjudication to the matter incidental thereto. In my opinion the question of the rate of the amount of wages come under the matter of incidental to the terms of reference. The workman can not allowed to work for a nominal payment of Rs. 10 per day as casual workman. The Hon'ble Supreme Court in the case of Daily Rates Casual Labour employed under P & T Department through Bhartiya Dak Tar Mazdoor Manch Vs. Union of India and others reported in A.I.R. 1987 S.C. p. 2342 depre-

cated such low amount to the casual workmen. From the evidence of the Management witness also it appears that the man was not only supplied water, rather, he used to clean the premises and used to go post office. From the letter Ext. M/2 marked on behalf of the Management it appears that Pappu Kumar Singh was engaged by the Bank for casual job as supply of drinking water and miscellaneous work. So it appears that Pappu Kumar Singh not only supplied the drinking water, but performed the other miscellaneous work. From the admission of the M.W. 1 it appears that one permanent peon-cum-dafti died in the year 1989 and no recruitment was made after his death. So one permanent post of peon was vacant and this casual workman was performing the miscellaneous work in the Bank. So the case of the workman appears to be probable and reasonable that he was performing the function of a Peon-cum-Dafti in place of deceased Peon-cum-Dafti. Witnesses may tell lie but circumstances can not. So it is different to believe that this casual workman was not performing the function of Peon. However he was treated as a casual employee. So according to the aforesaid decision of the Hon'ble Supreme Court this casual employee is entitled at the rate equivalent to minimum pay in the pay scales of regularly employed workers in the corresponding cadres, but without any increment. The wages of the workman should be equivalent to minimum of the regular employee. So he is entitled to the wages at the rates of minimum wages in the lowest grade of the Bank. Thus the workman will be paid full back dues on the above rate for all days inclusive Sundays and holidays from the date of termination. He will be further paid accordingly also in future after reinstatement.

21. This is my award.

RAJA RAM SINGH, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 1998

का.आ. 160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ महाराष्ट्र के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एल-12012/281/94-आई आर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 18th December, 1998

S.O. 160.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-1, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 16-12-98.

[No. L 12012/282/94-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

Present :

Shri Justice C. V. Govardhan, Presiding Officer.

REF. NO. CGIT-5 OF 1995

11 GI/99-12.

Parties :

Employers in relation to the Management of Bank of Maharashtra

AND

Their Workman

Appearances :

For the Management : Shri V. S. Deshpande.

For the Workman Shri A. J. Chougule.

STATE : MAHARASHTRA

Mumbai, dated the 30th day of November, 1998

AWARD

1. The Central Government by its order dated 8th February, 1995 has referred the following dispute between the management of Bank of Maharashtra, Kolhapur and its sub-staff Shri A. T. Jagtap for adjudication by this tribunal.

"Whether the action of the management of Bank of Maharashtra, Kolhapur in dismissing Shri A. T. Jagtap sub-staff from service w.e.f. 2-12-91 is legal and justified? If not, what relief is the said workman entitled to?"

2. The workman, second party in his claim statement contends briefly as follows :

The workman was employed by the first party with effect from 23-5-79 as a Peon. He was served with a charge sheet for the alleged misconduct. On the alleged misconduct the second party was suspended on 01-12-88. He was served with a charge sheet, 1-1/2 years afterwards. The charge sheet was very vague. It has not mentioned any particulars or time and date of incident. For the alleged misconduct an enquiry officer was appointed who enquired on the allegations against the workman. The Enquiry Officer was an Officer of the Bank and he had done in favour of the Bank with biased mind. The management was represented by Shri A. D. Rajadhye, a legally trained person. But such a co-operation was not made available to the workman. The workman was permitted to be represented by a Union representative but the union declined to represent the workman. The workman sought permission to appoint an Advocate to present his case. It was rejected by the Enquiry Officer. It had caused injustice to the second party. The management did not produce any list of witnesses. The Enquiry Officer refused adjournment when the applicant sought for the same. The management representative submitted two letters which was sent by the applicant to the Branch Manager of Bhedasaon branch. These documents did not prove the charge against the workman. The request by the second party for a fresh enquiry officer has not been considered by the management.

The Enquiry Officer submitted a report holding that the charges levelled against the workman have been proved. It is bad in law. On the basis of the report the appointing authority has dismissed the second party. The order of dismissal may be set aside and the second party may be reinstated.

3. The first party in their written statement contends briefly as follows :

A domestic enquiry was conducted against the second party as per the provisions of bipartite settlement and the first party had issued a charge sheet to the second party as per clause 19 of the bipartite settlement. The second party has done acts prejudicial to the interest of the Bank or gross negligent or negligence involving or likely to involve bank in serious loss. The other charges against the second party is wilful damage or attempt to cause damage to the property of the Bank. The second party has raised a loan in the name of Smt. Sahanbhai Tukaram for Kirana Shop of Rs. 5000/- and for purchasing a cow for Rs. 6000/-. The details of the sum are given in the charge sheet. The second party wanted a fresh Enquiry Officer against Mr. Bapat appointed by the first party. But Mr. Bapat has no acquaintance with the second party and the second party has never worked under him. There was no cause to have biased mind for Mr. Bapat towards the second party. Therefore, the request of the second party for appointing a fresh Enquiry Officer was rejected. The allegation that Shri Rajadhaye was a legally trained person is not correct. The enquiry was held properly giving full particulars to the second party. On the basis of the report of the Enquiry Officer the first party had issued a notice. The explanation given by the second party was not satisfactory and therefore the second party was dismissed. The second party preferred an appeal. It was also dismissed. The second party raised a loan while working as a sub-staff, in the name of his relative and thereby he has tried to defraud the Bank and also tamper with the Banks records. The punishment awarded is therefore, justified and the claim of the second party may be dismissed.

4. The point for consideration is whether the dismissal of the second party by the first party for the alleged misconduct is not proper.

The Point :

The second party was an employee of the first party. It is alleged that while working at Bhadesgaon branch he had tried to cheat the bank by raising loan in the name of his relatives and other persons and he tried to take loan papers and documents from the records of the Bank and tried to cause loss to the Bank deliberately. The charge sheet men-

tions three loans out of which two were in the name of the mother of the charge sheeted employee and one in the name of his brother and it is alleged that he used the said amount for himself. It is also alleged in the charge sheet that on 27-1-88 he took over from the documents of the Bank receipt in respect of loan amount number 127, 128 129 of 1988. The charge sheeted employee was informed that he can have the assistance of the union. The worker had stated that the Union refused to help him. He had therefore, sought permission for engaging an Advocate to assist him in the enquiry. It was rejected by the Enquiry Officer on the ground that Advocate cannot be permitted to participate in the domestic enquiry. It was alleged by the worker that the representative of the management is a person having legal knowledge. This also has been proved to be vague allegation since it is said that the management representative was only a graduate and not a legally trained person.

5. Before the Enquiry Officer, the management has filed two letters dated 21-7-88 and 18-8-88 written by the worker to the management and 3 receipts. The employee does not dispute that he has written these two letters to the management. But it is contended on his behalf that they were obtained by coercion by the management. In his evidence the worker has stated that the Manager has got the two letters by force and threat. But it is admitted during cross-examination that he did not make any complaint about Mr. Majare for threatening him and he has not reported the matter to the higher officials. Similarly, the worker who contends that he was threatened by Mr. Ravi Kumar has admitted that he has not made any complaint against him to the higher officials. Even though the worker has alleged that one Mr. Ajit Choudhry and one Mr. Nicholkar were present, he had not taken any steps or requested the Enquiry Officer to examine these people in the enquiry. There is no explanation for not examining the persons who were said to be present at the time of the alleged threat by the Managers. As against these allegations, the management in its argument has contended that on 21-7-88 one Mr. Kulkarni was the Branch Management and on 18-8-88 one Mr. Ravi Kumar was the manager. The worker has alleged that Ravi Kumar was dismissed from service and the management has stated that 4 years afterwards Mr. Ravi Kumar has resigned and it is not correct, to say that he was dismissed. There was no enmity between himself and these two persons admitted by the worker in his evidence. Admittedly, by the worker he did not inform the Enquiry Officer that these two letters have been obtained under threat. The conduct of the worker in not informing the Enquiry Officer that the two documents which are incriminatory in character against him were obtained under threat. Even in the appeal preferred by him he has not mentioned that these two letters were obtained by threat. The management in its argument has contended that if the worker refers to the previous Manager one Mr. Kamble it has to be rejected since Mr. Kamble was suspended in April 1988, long before the date of the above two letters. The employee who alleged that these two letters were obtained by coercion and threat has not established his case by any evidence. These two documents were relied by the Enquiry Officer to hold that the charges against the workman

has been proved. In the letter dt. 21-7-88 the worker has stated that he had taken up the purchase receipts of Buffaloes on 21-7-88 in respect of Account Nos. 127, 128 and 129 of 1988, since they were from Bambamadi Bagum towards purchase of buffaloes while the borrowers are related to Basara Chamang Village. This would go to show that the borrowers were given loans for purchasing buffaloes from a particular village and the receipts produced by them were from a different village under the apprehension that if these documents were there the loan itself will become doubtful, the worker has taken these receipts from the loan file. Removing such vital documents would certainly justify the Enquiry Officer finding him guilty of the charge that he had done an act prejudicial to the interest of the Bank and this is an attempt to cause damage to the Bank in the loan dated 18-8-88. The worker has stated that his son was suffering from polio and to meet his hospitalisation and the related expenses he had borrowed from dual persons. He had taken loan in the name of his mother and brother. This would also show that the worker has done an act of borrowing in the name of others which is an act prejudicial to the interest of the Bank. These two documents have been marked during the enquiry and no material has been placed by the worker that these documents are not genuine except stating that they were obtained by coercion. The theory of coercion cannot be accepted in view of the foregoing discussion. The enquiry officer before whom no other material has been placed has therefore, come to the conclusion that the charges against the workman has been proved. The learned counsel appearing for the workman has made it clear that the workman is not challenging the finding of the Enquiry Officer by contending that it is not in accordance with the law. He has conceded that the enquiry is fair and proper and the finding alone is perverse. The enquiry officer has no material placed before him to give a different conclusion other than the one which he has arrived at, in view of the categorical admission of the workman admitting the documents relied by the management. Therefore, it cannot be stated that the said finding is perverse. The workman has been given a show cause notice and the appointing authority who was not satisfied with his explanation as accepted the findings of the Enquiry Officer and has awarded the punishment of dismissal. The workman has preferred an appeal. The appellate authority has also concurred with the finding of the Enquiry Officer and the disciplinary authority and the appeal was also dismissed. It is under these circumstances, the workman has been dismissed from service. I am of opinion that the dismissal of the workman Mr. Jagatap from service by the management of Bank of Maharashtra is therefore legal and justified and the worker is not entitled to any relief.

In the result an award is passed holding that the dismissal of the workman is legal and justified.

Award passed accordingly.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 1998

का.आ. 161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, पटना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एल-12012/256/94-आई आर (बी-II)]

सी. गंगाधरन, डस्क अधिकारी

New Delhi, the 18th December, 1998

S.O. 161.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Patna as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 16-12-98.

[No. L-12012/256/94-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA.

Reference No. 18 of 1995

Reference No. 16(c) of 1998

Management of UCO Bank, Patna and their workmen represented by State Secretary, UCO Bank Employees, Association, Patna.

Misc. Case No. 1 of 1997

Misc. Case No. 4(c) of 1998

Sri Savindra Kumar . . . Complainant
Vs.

Sri Ravi Kul Bhushan Pd.
Office-in-charge UCO Bank,
St. Michal High School
Extension counter Digha,

Patna and others . . . Opposite Parties

For the Management : Sri C.M. Maniktala,
Dy. Chief Officer (Law)

For the Workman : Sri B. Prasad, State Secretary,
UCO Bank Employees
Association, Patna.

Present : Sri Raja Ram Singh, Presiding Officer,
Industrial Tribunal, Patna.

AWARD

The 30th November, 1998

By adjudication order No. L-12012/256/94-IR (B-II) dated 12-1-95 the Central Government (Government of India) in the Ministry of Labour, New Delhi referred u/s 10(1)(d) of the Industrial Disputes Act (hereinafter to be referred as 'the Act') the following dispute between the Management of UCO Bank, Patna and its workman for adjudication to the Central Government Industrial Tribunal No. 1, Dhanbad.

"Whether the demand of the UCO Bank Employees' Association, Patna on the Management of UCO Bank, Patna for regularisation of the services Shri Sabinder Kumar as Peon w.e.f. 22-9-1989 is justified? If so, to what relief is the said workman entitled to?"

(Hereinafter Sabinder Kumar will be referred as 'the Workman').

2. After receipt of the adjudication order the reference was registered as Reference No. 18 of 1995 in the aforesaid Central Government Industrial Tribunal and parties were directed to appear in the said Tribunal. Both parties were directed to appear in the said Tribunal. Both parties appeared, but during the pendency of this reference case in the aforesaid Central Government Industrial Tribunal, the reference was transferred to this Tribunal and the reference was received in this Tribunal on 26-8-1998 and registered as Reference Case No. 16(c) of 1998 and parties were directed to appear on 10-9-1998 for hearing.

3. During the pendency of the aforesaid reference in the Central Government Industrial Tribunal No. 1 Dhanbad the Management terminated the services of the workman Sabinder Kumar on 7-4-1997, so the complaint u/s 33A of the Industrial Disputes Act was filed in the said Tribunal at Dhanbad. The said complaint was registered as Misc. Case No. of 1997. This Misc. Case was also transferred to this Tribunal by the Central Government and this Misc. case was received in this Tribunal on 26-8-1998 and registered as Misc. Case No. 4(c) of 1998 and parties were directed to appear in this Misc. case on 10-9-1998.

4. Subsequently a petition was filed on behalf of the workman for joint hearing of this reference case and the Misc. Case No. 4(c) of 1998 instituted on the basis of the complaint u/s 33A of the Act. Prayer was allowed by the Tribunal and order was passed to consolidate both the cases [Ref. No. 16(c) of 1998 and Misc. case No. 4(c) of 1998 arising out of complaint filed u/s 33A which is also a deemed reference] together and to hear both the cases jointly. Thus both cases have been amalgamated and consolidated hearing of both the

cases has been made, which will be disposed of by a common award.

5. The case of the workman as mentioned in the written statement of the claim filed on behalf of the workman is as follows :—

Sabinder Kumar was appointed as a temporary peon against a permanent vacancy at St. Mical High School Extension counter, Patna of UCO Bank on 22-9-1989. The workman has been put in a fairly long period of service as a temporary Peon and the workman was performing the duties of a Peon such as stitching of vouchers, taking out ledgers/registers from Almirah and keeping them back in the Almirah and other such miscellaneous works required to be performed by a peon. The workman used to work in the said counter from 9 A.M. to 4 P.M. regularly. The workman was paid wages through vouchers initially at the rate of Rs. 15/- per day, but subsequently it was raised from time to time and eventually he was paid at the rate of Rs. 80/- per day. The workman was not being paid wages at par with other employees performing similar duties and was also not paid as per Bank's scale of pay of Class IV employees. The said extension counter of the Bank consisted of two officers, three clerk and no permanent sub-staff. One Sri Chandeshwar Ram, who was working at the Extension counter of the Bank, was brought back to Zonal office, Patna as cyclostyle Machine Operator. There was need of regular/ permanent sub-staff to man the work at the extension counter of the Bank as the counter could not run without a sub-staff.

The case of the workman for his regularisation as a peon was taken up by the UCO Bank Employees Association (hereinafter referred to be as 'the Association') with the Management and subsequently an industrial dispute was raised before the Assistant Labour Commissioner (Central, Patna in the year 1992 but withdraw the same on the assurance given by the Management of UCO Bank for consideration of the case of the regularisation of the workman. Since the Bank management failed to regularise the case of the workman, the Association again raised an industrial dispute before the A.L.C. (Central), Patna on 30-9-1993. Conciliation proceeding was started, but it ended into failure so the failure report was sent to the Ministry of Labour Govt. of India and the Central Government made this reference for adjudication.

6. While the reference was pending the workman was terminated by the Management on 7-4-1997 during the pendency of the reference without complying the provisions under the Act. So a complaint was filed u/s 33A of the Act which is deemed to be a reference u/s 10 of the Act.

7. A written statement-cum-rejoinder was filed on behalf of the Employer Bank to the written

statement of the claim filed on behalf of the workman. It was alleged, inter alia, in the said written statement-cum-rejoinder that the concerned workman was engaged for the first time on 22-9-1989 as casual workman at the Extension counter of the Branch office of the Bank situated at St. Mical High School. The said counter is a small one having a total number of 5 staff only. Two of them are officer, two clerks and one person was a permanent sub-staff. The name of the permanent sub-staff is Shri Chandeshwar Ram. There was no requirement of any permanent sub-staff at that place in view of the small nature of the Branch. It is merely an extension counter of the Branch of the Bank. There is no vacant post of a permanent sub-staff and in case any permanent vacancy will be created, the Management will be required to fill up the same by recruiting a workman after following the proper procedure of recruitment. There is no provision for regularisation of a casual worker on the post of a permanent sub-staff. The concerned workman was engaged by the local office for the purpose of cleaning and dusting the room and for fetching the drinking water and storing the same at the pitchers. Best of the time he has no work to do save and except the supplies drinking water or brings tea, if any staff or any customer so desires. Thus there is no regular job for such a casual worker on whole time basis. However the Management paid the concerned workman the minimum wages as prescribed by the State of Bihar and as per the rules any casual worker, may be part time or full time, has to be paid the minimum wages. Therefore the concerned workman was treated as casual workman and used to be paid full wages for the day, whether there is work or no work for the days if he puts his attendance. There was no sanction for a permanent sub-staff for this Branch. Thus the casual workman for being a casual is not entitled for regularisation on the permanent post of sub-staff. Thus the concerned workman is fully aware of the position of casual worker and he worked according to his own volition. The sponsoring union can not demand for regularisation of workman. So the concerned workman has no right to claim for regularisation as a class IV employees.

8. A petition by way of rejoinder was also filed on behalf of the Bank Management to the complaint filed u/s 33A of the Act. In this rejoinder it was alleged, inter alia, that the workman was not a regular employee and he was not utilised all the 365 days in any given year and not paid wages for all the 365 days in any year. It has been further alleged that the workman had worked only for 74 days in the year 1989 and for 187 days in 1971 (which is obviously wrong because he was engaged in the year 1989 and there was no question of working in the year 1971). However it has been

alleged that he worked for more than 240 days i.e. 284 days in the year 1990. The days he worked in 1992-96 is a matter of record. Since the workman was not found fit for absorption as a permanent employee so he was not absorbed. There was strict instructions from the Bank not to engage or continue engagement in Class IV post in subordinate service of the Bank of any body so the workman was disengaged on the direction of the higher authorities. It was further alleged that the termination does not amount to altering the condition of service of the petitioner or otherwise divesting him of any legal right of being considered for regular appointment. So no complaint was maintainable u/s 33A of the Act.

9. Now the following points for determination arise in the case :—

- (i) Whether the demand of the Association for regularisation of services of the workman is justified ?
- (ii) Whether the termination of the workman during the pendency of the Reference case is legal and justified ?

10. Both points will be taken together for the sake of convenience. The workman was employed on 22-9-1989 and he was terminated on 7-4-1997. He was initially paid wages at the rate of Rs. 15 per day which was subsequently raised from time to time and eventually it was raised upto Rs. 80 per day at the time of termination. Admittedly he was a casual worker. According to the Management he was not appointed by following the procedure for recruitment of the staff of the Bank. However the concept of irregular and illegal appointment to foreign to the Industrial Dispute Act. According to the decision of the Hon'ble Patna High Court in the case of Dinesh Sharma and others and State of Bihar and others reported in B.L.J.R. (Vol. 31) P. 207 the casual workers are also workman u/s 2(s) of the Act and the benefit under the Act including section 25F is available to casual workman also. So this workman was a workman u/s 2(s) of the Act and the dispute relating to condition of his service for non-employment comes under the Industrial Dispute u/s 2(k) of the Act. So the submission made on behalf of the Management can not prevail.

11. It has been contended on behalf of the Management that the complaint u/s 33A of the Act for disengagement of the workman is not maintainable because there was no contravention of the provisions u/s 33 of the Act in for disengaging the workman. It has been mentioned in the rejoinder filed on behalf of the Management that discontinuation in utilisation of the petitioner by the Management does not amount to altering the con-

dition of service of the workman or otherwise divesting him of any legal right or being considered for regular appointment. So the complaint u/s 33A will not be maintainable merely because the workman was disengaged during the pendency of reference u/s 10 of the Act relating to his regularisation of service. Under section 33(1) of the Act during the pendency of any proceeding before the Tribunal in respect of an industrial dispute no employer shall in regard to any matter connected to dispute shall—

- (a) in regard to any matter connected with the dispute, alter, to the prejudice of the workman concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding, or
- (b) for any misconduct connected with the dispute discharge or punishment whether by dismissal or otherwise, any workman concerned in such dispute, save with the express permission in writing of the authority before which the proceeding is pending. (2) During the pendency of any such proceeding in respect of any industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute or, where there are no such standing orders, in accordance with the terms of the contract, whether express or implied between him and the workman—
 - (a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding; or
 - (b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman :

Provided that no such workman shall be discharged, or dismissed, unless he has been paid wages for one month and an application has been made by the Employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

12. By disengaging the workman neither any condition of service applicable to him was changed nor he was discharged or dismissed for any misconduct. So there is no violation of any provision either of Section 33(1) or (2)(b) of the Act. There was no change of the condition of service nor he was dismissed or discharged for any misconduct either connected with the dispute or not connected with the dispute. So there was no need for the Employer to seek either permission or approval

from the Tribunal u/s 33 of the Act. So there was no contravention of any provision of section 33 during the pendency of the reference. So the complaint u/s 33A will not be maintainable. The complaint cannot be maintained only because the workman was terminated during the pendency of the reference. If this termination is wrong only remedy can be found under section 25F of the Act, but no aid can be taken from the provision of Section 33A of the Act.

13. The complaint filed u/s 33A of the Act is not maintainable, but the question arises whether the question of the termination of the workman during the pendency of the reference can be taken into consideration by the Tribunal because the question of regularisation depends upon the continuance of engagement|employment of the workman. Moreover, it appears that the workman was disengaged in relation to the demand made on his behalf for regularisation in this Tribunal. So the Act of the Management comes under unfair labour practice under the Fifth Schedule of section 2(ra) of the Act. Serial No. 11 of the list of unfair labour practice on the part of employers is in regard to discharge or discriminate against any workman for filing charges or testifying against an employer in any enquiry or proceeding relating to any industrial dispute. So disengagement was exercise of unfair labour practice and it was colourable exercise of power by the Management. Moreover the reference was made by the Central Government on the assumption that the workman was in the engagement|employment, but the workman was disengaged during the pendency of the reference. So there was no remedy before the workman or the union on behalf of the workman to raise any industrial dispute. So the Management wanted to defeat this reference and make it infructuous by back door. However what cannot be done directly cannot be done indirectly too.

14. The Tribunal shall confine its adjudication to the point referred by the Central Government in the reference and the matter incidental thereto.

15. Now the question arises whether disengagement/termination amounts to the matter of incidental of the terms of the reference. Reference was made by the Central Government on the point of regularisation of the workman as fulltime, but the workman was terminated from his job during the pendency of industrial dispute. So the question of regularisation will become defunct if the point of termination will not be taken into consideration in this reference. Although the reference relates only to the question of regularisation of workman, but the question of termination of the workman comes within the matter of incidental to the point referred by the Central Government. The word 'incidental' according to Webster's New World Dictionary : "Happening or likely to happen as a result of or in connection with something more important; being

an incidental; casual, hence, secondary or minor, but usually associated". So the matter incidental thereto denotes something incidental to the dispute which means something happening as a result of or in connection with dispute or associated with the dispute. Thus the dispute is a fundamental thing while something incidental thereto is an adjunct to it. Something incidental, therefore, cannot cut at the root of the main thing to which it is an adjunct. A point is incidental to another point when the one necessarily depends upon the other. Here the regularisation which is the main point depends upon the question of termination. If the termination will stand the question of regularisation cannot arise. When the termination will be found to be illegal and unjustified, then only question of regularisation will arise. So the question of the termination will also be considered in this reference as an incidental matter to the point referred in this case.

16. So the point of disengagement/termination amounting to retrenchment u/s 2(oo) of the Act will be considered in this reference as a incidental matter referred in this case. Without considering this matter no effective relief can be given to the workman if the reference is answered in favour of the workman.

17. Now the question arises whether the termination amounting to retrenchment of the workman in the Industrial Disputes Act was legal and justified. There is no dispute that the workman worked more than 240 days in many continuous years before the date of termination. So he has been put in not less than one year continuous service before the termination. He was a workman and there was a relationship of employer and employee with the Bank which is an industry under the Act. Admittedly neither notice was given to him nor wages in lieu of notice was paid to him u/s 25F of the Act. No retrenchment compensation was paid to him. There is no dispute on this point. M.W. 2 has admitted this fact in his evidence. So the termination of the workman is in violation of the provisions of section 25F of the Act. There is no evidence that notice under prescribed manner was served on the appropriate Government as prescribed u/s 25F (c) of the Act. So the termination of the workman amounting to retrenchment was made in complete violation of section 25F of the Act. Moreover his termination was an unfair labour practice, so the retrenchment is illegal and thus it is unjustified. The termination was made only to deprive the workman of the fruit of industrial dispute for which the reference had been made by the Central Government. So the Tribunal will ignore this illegal and improper termination amounting to retrenchment and will proceed to decide the terms of reference as if no termination of the workman had ever been made.

18. The workman worked in the Bank as a casual worker from 22-9-1989 to 7-4-1997. Even

according to the Management of the Bank he worked more than 240 days in the year 1990. So the workman worked for a petty long period and worked more than 240 days within many 12 calendar months continuous service. So the workman was in continuous service for many years in the Bank at the time of the termination and will be deemed to be continuous service after termination also by virtue of decision of this Tribunal that the termination is illegal and improper. The only contention on behalf of the Bank is that appointment was not regular and legal and he was not appointed by the competent authority by following the procedure of recruitment of the Employees of the Bank. However the Hon'ble Supreme Court in an unreported case in Civil Appeal No. 1509(NL) of 1987 on 16-12-1987 arising out of a reference case in this Tribunal passed the following orders :

"Since it is admitted that a large number of people have been working as casual labourers for a long number of years, the question whether they were initially appointed regularly or irregularly becomes immaterial for the purpose of the question involved in this case. This Court has in a number of decisions already rendered wherever it found that such labourers has been working for a number of years vide Daily Rated casual labour employed under P & T Department through Bhartiya Dak Tar Mazdoor Munch Vs. Union of India & Ors. (1987) 2 SCALE 844, U.P. Income Tax Department Contingent Paid Staff Welfare Association Vs. Union of India & Ors. (Writ petition 1870 of 1986 decided on December 4, 1987) and Delhi Municipal Karamchhari Ekta Union (Regd.) Vs. Shri P. L. Singha (Civil Appeal No. 3921(NL) of 1987 decided on December 7, 1987.

Following the above decisions we direct the respondent Corporation to prepare a reasonable Scheme for regularisation of the casual labourers who have been working for more than one year. The scheme will be prepared within 8 months from today. We also direct the respondent-Corporation to pay with effect from 1-1-1987 salary and allowances to the casual labourers at the rates equal to the minimum pay in the pay scale of regularly employed persons in the corresponding cadres of the Corporation. All arrears payable pursuant to this order shall be paid within four months from today. The appeal is disposed of accordingly. No costs."

19. In the said case the Hon'ble Supreme Court observed that whether casual workers were initially appointed regularly or irregularly becomes immaterial for the question involved in the case and directed to prepare a reasonable scheme for regularisation of casual workers who have been working for more than one year. So according to the aforesaid direction of the Hon'ble Supreme Court there is no question whether workman in the instant reference was appointed regularly or irregularly for regularisation of the services as Peon in subordinate cadre. The case of this workman stands on a better footing because this workman has performed continuously the function of peon for many years. In a decision of our own High Court in the case of Bihar Fruit and Vegetable Development Corporation, Patna Vs. The State of Bihar and others reported in 1994 I P.L.J.R. p. 377, it has been observed that the regularisation term mean 'to make regular' which implies that the action was irregular and the same is being cured—words 'regular' or 'regularisation' are terms calculated to condone any procedural irregularities and are meant to cure defects. Thus by regularising any appointment the procedural or any other irregularity is condoned for equitable reasons. It was further observed by the Hon'ble High Court that the persons having served for more than 240 days or more in a year must be regularised. "Moreover the Hon'ble Supreme Court in the case of Daily Rated Casual Labour Employer under P & T. Department through Bhartiya Dak Tar Mazdoor Manch Vs. Union of India and others reported in A.I.R. 1987 S.C. P. 2342 directed to prepare a scheme for regularisation of a casual worker who worked continuous for more than one year. In that case the Hon'ble Supreme Court directed the regularisation of the casual worker who has worked for more than one year and observed that—

"We are of the view that such denied amounts to exploitation of Labour. The Government can not take advantage of its dominant position and compel any worker to work even as a casual labourer on starving wages. It may be that the casual labourer has agreed to work on such low wages. That he has done because he has no other choice. It is poverty that has driven him to that state. The Government should be a model employer."

20. So we have to examine the case of the regularisation of the workman as a permanent worker in subordinate cadre in the light of above judicial pronouncements made by the Hon'ble High Court and Hon'ble Supreme Court.

21. W.W.1 Sabinder Kumar has stated that he used to perform the function of taking out ledger, register from the Almirah and to keep it on Table and counter. He used to bring clearing cheques

from Patliputra Industrial Area Branch to the Extension counter St. Mical High School. He used to post mails to the post office. He used to bring tea for the staff from outside. He used to supply water to the staff. He used to work at the Extension counter Branch from 8.00 A.M. to 3 P.M. used to perform many other functions which is usually performed by a peon. He has stated that he worked for seven and half years continuously and there was no permanent peon in the Branch at the time of his appointment nor at the time of his removal.

22. On the other hand M.W.1 Binda Prasad has stated that he was working as a casual labourer from before his joining at the Extension counter as Officer Incharge. He has stated that Sabinder Kumar was not appointed on the regular basis. He stated that he joined at the counter in the month of January 1992 and remained there till 8-9-1993 and the workman was working there at the time of his joining and also was working at the time of his relieving. He has further stated that he was working on his direction. He has clearly stated that he was performing the function of peon. He has stated that the peon, who was working with him at the St. Mical High School Extension counter, was working in the Zonal Office. He can not say whether any permanent peon has been placed in place of permanent peon who has been shifted to Zonal Office. M.W.2 R.K. Bhushan has stated that he was working as Officer Incharge at St. Mical Extension Counter from September 1994 to September 1998. He has stated that Sabinder Kumar was daily wager during his tenure at the Branch. He was disengaged by him in the year 1997 although he does not remember the exact date. He has stated that he disengaged him as per the instruction of the Zonal Office and parent Branch, Patliputra. He was working from before his joining there and at that time one permanent peon Chandeshwar Ram was working and Sabinder Kumar and Chandeshwar Ram were working jointly. He has further stated that after some time Chandeshwar Ram was transferred and no person came in his place, so Sabinder Kumar began to work as peon as a daily wager. After disengagement of Sabinder Kumar the function of the Peon was performed by them i.e., clerical staff and officers. No person was posted as a peon after his disengagement. In the cross-examination he has stated that he was paid wages for Sunday and holidays for some time during his period. He was working at his instruction. According to his statement it appears that Sabinder Kumar performed all the functions which were being performed by a permanent peon. He has clearly stated that when there was no peon in the Bank Sabinder Kumar was engaged as daily wager and he (Sabinder Kumar) was performing the function of peon. He has further stated that he had knowledge that some dispute was raised by Sabinder Kumar which was pending at any forum concerning the

labour dispute and informed the higher authority but no instruction was given to him by the higher authority regarding his engagement. So according to this witness he was not inclined to disengage the workman but due to pressure by the higher authority he disengaged the workman. He has stated that he has no complaint in respect of the performance of duty by Sabinder Kumar and he wanted that his service should be continued because he (workman) performed the function of peon after his disengagement. He has stated that he can not say whether his termination was illegal or unjustified.

23. So from the evidence of the officers of the Bank it becomes clear that the workman performed the function of peon for many years and no peon was posted after the transfer of a permanent peon. So there is no dispute that the workman performed the function of peon for various years in the Bank as a casual worker and there was post of peon and also his need. So even from the witnesses examined on behalf of the Management it becomes evident that the workman was entitled for regularisation as a peon in the subordinate cadre and to avoid this relief he was terminated. So the action of the Management was not bonafide. So this is a very fit case of regularisation of the workman as a peon in the subordinate cadre. His claim for regularisation can not be denied merely on the ground that his appointment was not regular. He performed the same function which is performed by a peon but he was not paid equal wages. So there was no equal pay was paid for the equal job. So there was violation of the principles of equal pay for equal work as enshrined in the directive principles of State policy in part IV of our constitution. So the action of the Management was mala-fide and arbitrary and is illegal. Industrial Disputes Act is beneficial and welfare legislation to give protection to the workmen.

24. So under such circumstances the Tribunal find that the demand of association for regularisation of Sabinder Kumar as peon is justified but not from 22-9-1989.

25. Now the question arises that what relief should be given to the workman. Since the termination of the workman was illegal and unjustified, so he is entitled to reinstatement with full back wages from the date of the termination of service till the date of reinstatement. He will be entitled for all wages including Sundays and holidays. Wages will be paid at the rate of wages prescribed for the casual workmen for relevant period. He will be regularised as peon as a subordinate staff on the permanent basis from the date of the publication of the award. So he will be entitled full back wages as indicated above till the date of the publication of the award and he will be entitled to full

wages ~~as~~ permanent employees in subordinate cadre from the date of regularisation on the publication of the award.

26. This is my award.

RAJA RAM SINGH, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 1998

का. आ. 162---औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बैंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एन-12012/156/96-आई.आर. (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 18th December, 1998

S.O. 162.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workman, which was received by the Central Government on 16-12-1998.

[No. L-12012/156/96-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR
COURT, BANGALORE

Dated 25th November, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.
C. R. No. 248/1997

I PARTY :

The General Secretary,
Andhra Bank Employees Union,
Parvana Bhawan, Opp. Reddy
Hostel. Hyderabad.

II PARTY :

The Asst. General Manager
Andhra Bank, J. C. Road,
Bangalore-1.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1)

and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/156/96-IR(B-II) dated 7-7-97 for adjudication on the following schedule.

SCHEDULE

"Whether the action of the management of Andhra Bank Bangalore in denying wages for the period of suspension and withholding one increment with cumulative effect of Sh. Md. Dastagir, sub-staff is legal and justified ? If not, to what relief the said workman is entitled ?"

The cause of the workman is espoused by the General Secretary of the Union. The parties failed to appear when the ordinary notices served to them. A notice by RPAD was issued. One Shri K. Kasturi a learned advocate filed vakalatnama for the second party. The first party union received the notice but failed to appear and file claim statement. The first party also failed to comply with the statutory provisions contained under Rule 10B of the Industrial Disputes (Central) Rules, 1957.

In these circumstances the dispute can not be adjudicated on its merits. In fact in C.R. No. 185/97 a notice returned unserved where the first party is the same. This conduct demonstrates their disinterestness.

In the result this reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 18 दिसंबर, 1998

का. आ. 163—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक, के प्रबन्ध तंत्र के संबन्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[सं. एल-12012/213/95-आई.आर. (बी II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 18th December, 1998

S.O. 163.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workman, which was received by the Central Government on 16-12-98.

[No. L-12012/213/95-IR(B-II)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE.

Dated 25th November, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C. R. No. 185/1997

I PARTY :

The General Secretary
Andhra Bank Employees Union
Parvana Bhavan, Opposite to
Reddy Hostel, Hyderabad-500001-

II PARTY :

The General Manager,
Andhra Bank Building
Sultan Bazar, Saifa Road,
Hyderabad.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication after satisfying itself that an industrial dispute did exist between the above parties. This reference is made in the Order No. L-12012/213/95-IR(B. II) dated 26-11-96.

SCHEDULE

"Whether the action of the management of the Andhra Bank, Bangalore in terminating the services of Shri L. Subramaniam w.e.f. 29-3-94 is valid and justified ? If not, to what relief the workman is entitled ?"

The notice were issued to both parties. They have not appeared for further proceedings. Later Shri K. Kasturi a learned advocate filed vakalatnama for the second party. The notice issued to the first party by RPAD returned unserved. The dispute is espoused by the General Secretary of Andhra Bank Employees Union. We have not other address to send the notice to the workman direct.

It is the duty of the workman or the union to comply the statutory provisions contained under Rule 10B of the Industrial Disputes (Central) Rules 1957.

The conduct of the first party shows that he is not interested for adjudication on its merits.

In the result this dispute is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 1998

SCHEDULE

का. आ. 164—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-98 को प्राप्त हुआ था।

[स. एल-12012/220/94-आई आर.(बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 18th December, 1998

S.O. 164.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 16-12-98.

[No. L-12012/220/94-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE.

Dated 27th November, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.
C. R. No. 91/94

I PARTY :

: Shri M. Devendra Prakash
S/o M. Narasimhaiah Shetty
Skanda Nivas, 6th Cross
1st Floor, Robertsonpet,
K.G.F. 563122.

II PARTY :

Dy. General Manager.
Syndicate Bank, Z. O.
Gandhinagar,
Bangalore-9.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/220/94-IR(B-II) dated 8-11-94 for adjudication on the following schedule.

"Whether the management of Syndicate Bank, Bangalore is justified in dismissing Shri M. Devendra Prakash clerk from service with effect from 19-6-87, on the basis of the chargesheet which has been issued to the workman after a period of 2 years 9 months and 17 days from the date of the cause of action? If not, what relief he is entitled to and from which date?"

This reference is of the year 1994. On the issue of the ordinary notice the first party appeared on 2-7-96. He was represented by a legal practitioner, however he has not filed his claim statement though the case was adjourned to 25 times.

Taking into consideration the nature of reference a notice by RPAD was issued to the first party, the notice returned unserved with a shara "ADDRESS LEFT".

The first party not filed his claim statement in the ordinary course inspite of so many adjournments and he has also failed to comply the mandatory provisions under Rule 10B of the Industrial Disputes (Central) Rules, 1957.

In the above circumstances the reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1998

का. आ. 165—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. आफ इंडिया के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[स. एल 17012/16/97-आई आर.(बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 23rd December, 1998

S.O. 165.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 21-12-98.

[No. L-17012/16/97-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
PANDU NAGAR, KANPUR

Industrial Dispute No. 107 of 1998

In the matter of dispute :

BETWEEN

General Secretary,
Central Zone,
National Life Insurance Employees Assn.
70-D, Shyam Nagar,
Kanpur-208013.

AND

The Sr. Divisional Manager,
L.I.C. of India,
Divisional Office,
Sanjai Palace,
Agra.

AWARD

1. The Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-17012/016/97-I.R.(B-II) dt. 29-6-98, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the management of LIC of India in terminating the services of Deepak Garg, w.e.f. 29-11-95 is legal and justified? If not, to what relief the workman is entitled?”

2. It is unnecessary give the details of the case as after sufficient service the concerned workman has not file claim statement. Hence the reference answered against the concerned workman for want of prosecution and proof.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1998

का. आ. 166.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल.आई.सी. आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[सं. एल-17012/38/97-आई.आर. (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 23rd December, 1998

S.O. 166.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 21-12-98.

[No. L-17012/38/97-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
PANDU NAGAR, KANPUR

Industrial Dispute No. 112 of 1998

In the matter of dispute :

BETWEEN

The General Secretary,
Central Zone, National Life Insurance,
Employees' Association,
70-D, Shyam Nagar,
Kanpur.

AND

The Sr. Divisional Manager,
L.I.C. of India,
Divisional Office,
Sanjay Palace,
Agra.

AWARD

1. The Central Government of India, Ministry of Labour, New Delhi, vide its Notification No. L-17012/038/97-IR(B-II) dated 29-6-98, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Life Insurance Corporation of India in terminating the services of Bharam Deo Sharma w.e.f. 4-4-96 is legal and justified? If not, to what relief the said workman is entitled?

2. It is unnecessary give the details of the case as after sufficient service the concerned workman has not file claim statement. Hence the reference answered against the concerned workman for want of prosecution and proof.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1998

का.प्र. 167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार बैंक ऑफ इंडिया के प्रबन्धतंत्र के विवाद नियोजकों और उनके कर्मचारों के बीच, अनुबन्धित निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट का प्रकाशित करता है, जो केंद्रीय सरकार को 21-12-98 को प्राप्त आया।

[सं. एल-12012/229/85-डी II(ए)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 23rd December, 1998

S.O. 167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 1-12-98.

[No. L-12012/229/85-D-II(A)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 56/86

In the matter of dispute :

BETWEEN

Shri Daya Nand,
C/o Shri Iqbal Krishan Sharma,
161-E, Kamla Nagar,
Delhi-110007.

Versus

Bank of India,
Regional Office,
43, Navyug Market,
Ghaziabad.

APPEARANCES : None.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/229/85-D, II (A) dated 6-6-96 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Bank of India in dismissing Shri Daya

Nand from service from 21-1-84 is justified ? If not, to what relief is the workman entitled ?”

2. The workman in his statement of claim has alleged that he served the management for several years and his work and conduct had been satisfactory. Due to mutual jealousies and departmental rivalry he was implicated in false cases without any reason and rhyme and was suspended on 5-10-82. He wrote to the Management challenging the suspension but the management served a charge sheet on him dated 3-6-83 and an enquiry was instituted against him. Ashok Kumar Aggarwal was appointed Enquiry Officer and he himself being a probationary officer conducted the enquiry just to please the management and his superior officers. During the enquiry opportunity was not given to him to cross-examine the witness as well as defence evidence and the submissions were also recorded by the Enquiry Officer in his own manner against the principles of natural justice. The cross-examination was not properly recorded. After the enquiry show cause notice was given to him and final order of termination was issued to him without following the principles of natural justice by the management. He was, therefore, entitled to be reinstated with full back wages.

3. The Management in its written statement alleged that enquiry was conducted in a legal manner. Full opportunity was granted to the workman to cross-examine the witness to inspect the documents and to produce the defence evidence of his choice. He was also allowed to be represented by a representative of his own choice. No illegality was conducted.

4. The Management examined Shri Ashok Kumar Aggarwal Enquiry Officer MW1 while the workman himself appeared as WW1.

5. I have heard representative for the management and gone through the written arguments. Workman or his representative did not file any written arguments.

6. The cross-examination of the workman in this case in my opinion was sufficient to decide whether the enquiry was fair and proper or not. I re-produce the whole cross-examination of the workman in this award :

“A charge sheet was issued to me by the bank in 1983 Enquiry order was also received. I was allowed to bring my representative whom I have brought. I was given papers during the enquiry. I was not given opportunity to cross-examine the witness and Enquiry Officer has told him that he would write whatever he like. I was given opportunity to file written arguments but my affidavits were rejected, later portion volunteered. The enquiry Officer report was also given to me alongwith show

cause. I have filed reply to the show cause. I have filed appeal against the order. Same was dismissed without hearing. I was not given opportunity of personal hearing before deciding the appeal. It is incorrect that the enquiry against him was fair and proper."

7. A perusal of this cross-examination clearly shows that the workman has not been able to assail the enquiry in any manner to be unjustified or wrong. The requirements of law and natural justice were complied with by enquiry officer who has himself come into the witness box as Management witness and stood the cross-examination at length by the representative for the workman. From the statement of the workman and that of the enquiry officer I am of the considered opinion that the workman has not been able to point out any irregularity in the enquiry conducted by the enquiry officer. In view of this situation I hold that the enquiry conducted against the workman by the management was fully justified and fair and proper.

8. I have heard representative for the management and have gone through the record.

9. Since the charges levelled against the workman were of very serious nature including forgery etc. I do not find any reason to interfere with the punishment awarded to the workman. The reference is answered accordingly and the workman was not found entitled to any relief.

17-11-1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1998

का.आ. 168.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक आफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[सं. एल-12012/262/97-आई.आर. (बी-II)]
सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 23rd December, 1998

S.O. 168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of

India and their workman, which was received by the Central Government on 21-12-98.

[No. L-12012/262/97-IR-(B-II)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 134 of 1998
In the matter of dispute between
Asstt. General Secretary,
Union Bank Staff Association, 3/192
Viram Khand, Gomti Nagar,
Lucknow.

AND

General Manager,
Union Bank of India,
Zonal Officer Share Tower,
2nd Floor Kapurthala Complex,
Aliganj, Lucknow.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-12012/262/97-IR (B-II) dated 17-7-98 has referred the following dispute for adjudication to this Tribunal:

Whether the action of the management of Union Bank of India in abolishing the Computer Operation Allowance of Shri O.P. Mishra is legal and justified? If not to what relief the said workman is entitled?

2. It is unnecessary to give the details of the case as on 18-11-98 Au. Rep. of the workman has filed application for closer of the case. Hence the reference is answered against the workman for want of prosecution and proof and he is not entitled for any relief.

B.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1998

का.आ. 169.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक आफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[सं. एल-12012/265/96-आई.आर. (बी-II)]
सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 23rd December, 1998

S.O. 169.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 21-12-98

[No. L-12012/265/96-IR (B-II)]

C. GANGADHARAN Desk Officer

अनुबंध

श्री बी. के. श्रीवास्तव, पीठासीन अधिकारी

औद्योगिक न्यायाधिकरण 117/एच-1/378-ए,
देवकी पैलेस रोड, पाण्डुनगर कानपुर

आई डी नं. 210/1997

एम सबगितुल्लाह

अनाम

यूनियन बैंक आफ इंडिया

संबंध संख्या एल-12012/265/96/आई आर (बी-II)
दिनांक 26-9-97

अभिनिर्णय

1. संबंधित श्रमिक प्रतिवादी यूनियन बैंक बिलेरियागंज शाखा में बतौर दफ्तरी के पद पर कार्यरत था। उसको दो आरोप पत्र दिनांक 3 दिसम्बर, 90, व 12-6-93 को दिये गये। एक बैंक के अधिकारी एल. सी. शर्मा को चार्ज अधिकारी नियुक्त किया गया। उन्होंने जांच पूरी करके अपनी रिपोर्ट 28-2-95 को अनुशासनिक अधिकारी को भेज दी। जिसमें यह पाया गया कि समस्त आरोप सिद्ध होते हैं।

2. इस आधार पर संबंधित श्रमिक को कारण बताओ नोटिस देने के बाद आदेश दिनांक 27-3-95 संबंधित श्रमिक को दण्ड आदेश पारित किया जिसके द्वारा उसको निम्नलिखित दिया।

3. स्टाफ आफ नेस्ट टू इन्क्विमेंट इक्व्यूलेन्ट विथ इन्क्व्यूट-नली इफेक्ट संबंधित श्रमिक की अपील भी निस्तर कर दी गई। इससे क्षुब्ध होकर संबंधित श्रमिक ने प्रस्तुत संदर्भ आदेश कराया।

4. अपने लिखित कथन में संबंधित श्रमिक ने घरेलू चार्ज भी वैधता को चुनौती दी जब कि विपक्ष बैंक ने कहा कि घरेलू चार्ज ठीक प्रकार से की गई। उपरोक्त प्लीडिंग के अनुसार निम्नलिखित प्राथमिक वाद बिल बनाया गया।

5. मैंने दोनों पक्षों की बहस सुनी पतावली का अवलोकन किया।

Whether the action of the management Union, Union Bank of India in awarding punishment to Sh. M. Sibgatullah the sub-staff of the then Billariaganj Branch vide their order No. DPZ/LKO/1982/95, dt. 27-3-95 is legal, and justified? If not to what relief the said workman is entitled?"

6. प्रतिवादी बैंक के तरफ से डी. सी. शर्मा एम. डब्ल्यू. 1, यूपी सिंह एम. डब्ल्यू. -2, एम. एन. अस्थाना, एम. डब्ल्यू.-3, कि साक्ष्य कराई गई जबकि संबंधित श्रमिक ने कोई साक्ष्य नहीं दी।

मेरे विचार से संबंधित श्रमिक की अपनी साक्ष्य करना चाहिए था इसके अभाव में सेवायोजक के साक्ष्य एकपक्षीय है और उस पर विश्वास करना जांच अधिकारी ने कोई गलती नहीं की।

8. संबंधित श्रमिक के और से यह तर्क रखा गया कि जांच अधिकारी का निष्कर्ष आरोप पत्र के विपरीत है। जांच अधिकारी का निष्कर्ष है कि संबंधित श्रमिक ने वाउचर की देखभाल ठीक से नहीं की और उसने फर्जी बिडाल फार्म भरे थे।

9. संबंधित श्रमिक का तर्क इस हद तक सही है कि आरोप पत्र 3 दिसम्बर 90 का जांच नं. 1 सिद्ध पाये जाते हैं इस प्रकार से आरोप पत्र 16-6-93 की जांच भी सिद्ध पाया गया है।

10. उपरोक्त विवेचना के आधार पर मैं इस निष्कर्ष पर पहुंचता हू कि घरेलू जांच ठीक प्रकार से की गई और नैसर्गिक न्याय के हिसाब से की गई है। इस प्रकार से मेरा निष्कर्ष यह है कि जांच सही है।

11. चूंकि इसमें दण्ड सेवा समाप्ति में कम है और औद्योगिक न्यायाधिकरण सेवा समाप्ति के दण्ड कम दिये जाने के मामले में अन्तर्गत नहीं है इसलिए यह अभिनिर्णय दिया जाता है।

12. उपरोक्त विवेचना के आधार पर मेरा निर्णय यह है कि संबंधित श्रमिक को जो दण्ड दिया गया है वह न्याय संगत है और वह कोई अनुतोष पाने का अधिकारी नहीं है।

पी. के. श्रीवास्तव, पीठासीन अधिकारी

नई दिल्ली, 23 दिसम्बर, 1998

का. प्रा. 170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार न्यू बैंक आफ इंडिया के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[सं. एल-12012/266/88-डी-II(ए)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 23rd December, 1998

S.O. 170—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New Bank of India and their Workman, which was received by the Central Government on 21-12-98

[No. L-12012/266/88-D-II(A)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 137/88

In the matter of dispute between :
Smt. Kamlesh and Smt. Kanta through

The Secretary,
New Bank of India Staff Association,
New Bank of India,
Shivaji Park, New Delhi.

Versus

The Regional Manager,
New Bank of India,
Vikrant Tower,
Rajindra Place,
New Delhi

APPEARANCES : None for parties.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/266/88-D.II(A) dated 8-12-88 has referred the following industrial dispute to this Tribunal for adjudication:—

“Whether the action of the management of New Bank of India in terminating the services of Smt. Kamlesh and Smt. Kanta is justified? If not, to what relief the workman concerned is entitled?”

2. The workman in their statement of claim alleged that one Mrs. Kamlesh worked in the New Bank of India from 1984 to 1987 as part time sweeper but she was paid @Rs. 50/-p.m. though she was paid at 1/3rd of the wages of the sub-staff. She was not paid wages as per rules and when she demanded the same she was removed by the bank from the service.

3. One other Mrs. Kanta was working in the bank and was engaged for bringing water for the branch but was later on required to work for the whole day in the branch of the bank and was being paid Rs. 100/- p.m. She asked for full remuneration in accordance with her work, but instead her services were also terminated.

4. Both the claimants in their statement of claim alleged reinstatement in the service with continuity of service and payment of wages according to their status.

5. The Management in its written statement alleged that Smt. Kamlesh was never appointed as part time sweeper and was engaged on contract basis to do a specified work for which she was paid Rs. 50/- per month. She was not their employee and she fell in the category of workmen as defined

in the I.D. Act. In reply to the claim of Smt. Kanta separately by the Management it has been alleged that she was never on the pay bill of the bank and was engaged for bringing drinking water at the branch office Nangloi as there was no provision of pipeline of drinking water in the said branch. When the pipeline was arranged she was relieved and as such there was no industrial dispute between the management and her. She too was not a workman within the meaning of section 2(s) of the I.D. Act.

6. Management examined Shri Hardev Singh MW1 while only one of the workman namely Kanta appeared as WW1.

7. I have heard the management representative and gone through the written arguments filed by him. Workman representative has not filed any written arguments nor has he made any oral submissions in this case.

8. Management witness Hardev Singh has reiterated what has been stated in the written statements of the management in respect of both the workmen separately. One of the workman namely Kamlesh has not appeared at all and has not led any evidence. So there is no reason to disbelieve the statement of Hardev Singh MW1 who has stated that she was engaged on contract basis just to clean the premises. Regarding other workman namely Smt. Kanta there is no reason to disbelieve the statement of Hardev Singh as Kanta in her statement has stated that she was paid Rs. 50/- p.m. though in the statement of claim she has claimed that she was being paid Rs. 100/-p.m. There is no appointment letter issued by the management appointing her on the specific job. No attendance rolls nor any documentary evidence produced to establish that she was working for the last 20 years as stated by her in her cross-examination. There is no evidence on record even to support that she worked for so many years and that too from 10 to 4 p.m. The evidence on record shows that both the claimants are not proved to the workmen of the Management, as defined in Section 2(S) of the I.D. Act. As such they are not entitled to any relief. Parties are left to bear their own costs.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1998

का.आ. 171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक आफ इंडिया के प्रबंधन के संबद्ध नियो-जकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद केन्द्रीय सरकार में औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[सं. एल-12012/284/97-आई.आर. (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 23rd December, 1998

S. O. 171.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management

of Union Bank of India and their workman, which was received by the Central Government on 21-12-98.

[No. L-12012/284/97-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

Before Shri B.K. Srivastava, Presiding Officer, Central Govt. Industrial Tribunal Cum Labour Court, Deoki Palace Road, Pandu Nagar, Kanpur.

Industrial Dispute No. 135 of 1998

In the matter of dispute between:

Union Bank Staff Association

Secretary, UB Staff Asson.

C/o Union Bank of India,

24/53 Birhana Road,

Kanpur.

AND

Asstt. General Manager

Union Bank of India,

Regional Office Pandu Nagar,

Kanpur.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-12012/284/97/IR (B-II) dated 20-7-98 has referred the following dispute for adjudication to this Tribunal;

Whether the action of the management of Union Bank of India in not paying lunch and transport allowance to Sh. V.K. Tandon Adhoc Computer Operator w.e.f. 8-12-96 is legal and justified? If not to what relief the said workman is entitled?

2. It is unnecessary to give the details of the case as on 18-11-98 Au. Rep. of Union has files application for closer of the case. Hence reference is answered against the concerned workman for want of prosecution and proof and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1998

का.आ. 172—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय-सरकार यूनाइटेड बैंक आफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[सं. एल-12012/325/97-आई आर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 23rd December, 1998

S.O. 172.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the

Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of United Bank of India and their workman, which was received by the Central Government on 21-12-98.

[No. L-12012/325/97-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

Before Shri B. K. Srivastava, Presiding Officer Central Govt. Industrial Tribunal Cum Labour Court, Deoki Palace Road

Pandu Nagar, Kanpur

Industrial Dispute No. 128 of 1998

In the matter of dispute between ;

State Secretary

United Bank of India Employees Association,

U.P. State Committee 28/93,

Birhana Road, Kanpur

AND

Chief Regional Manager

United Bank of India

Central Region 4, Habiullah Estate,

Hazratganj, Lucknow

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification L-12012/325/97/IR (B-II) dated 24-7-98 has referred the following dispute for adjudication to this Tribunal ;

Whether the action of the management of United Bank of India in withdrawing temporary cash peon allowance to Smt. Krishna Devi is legal and justified? If not, to what relief the said workman is entitled?

2. It is unnecessary to give the details of case as union State Secretary has file application on 6-10-98 for withdrawal of the case. Hence reference is answered against the concerned workman for want of prosecution and proof and she is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1998

का.आ. 173—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक आफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-98 को प्राप्त हुआ था।

[सं. एल-12012/359/96-आई आर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 23rd December, 1998

S.O. 173,—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 21-12-98.

[No. L-12012/359/96 IR(B-H)]

C. GANGADHARAN, Desk Officer

ANNEXURE

Before Sri B.K. Srivastava, Presiding Officer, Central Government Industrial Tribunal cum Labour Court Pandu Nagar, Kanpur, U.P.

Industrial Dispute No. 175 of 1997

In the matter of dispute between
Gyan Prakash Sagar
S/o Rampurti Lal Sagar
Vill. Nagaria Sadat Post Meeraganj Bareilly

AND

The Regional Manager,
Central Bank of India
88-B Civil Line, Bareilly

AWARD

1. Central Government, Ministry of Labour, vide notification No. L-12012/359/96/IR(B-H) dated 29-8-97, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Central Bank of India in not reemploy Sri Gyan Prakash Sagar alias Om Prakash is legal and justified? If not to what relief the workman is entitled?

2. The case of the concerned workman Gyan Prakash Sagar alias Om Prakash is that he was engaged as a peon in August, 1988 and he worked for 288 days upto July 1989. It is further alleged that in this period Sundays and holidays are to be included by including this period he had performed duty for 304 days. He was illegally removed from service. Thereafter, fresh hands were engaged but he was not given opportunity to do so. In other words he has claimed right under section 25H of I.D. Act. Besides he has also relied upon circular dated 21-9-91 under which if a person had completed

240 days in a year he will be entitled for employment subject to availability of vacancy. There was vacancy hence the concerned workman was entitled for this benefit.

3. The opposite party bank has denied this fact in the written statement. It has been alleged that he was never engaged as a peon. Instead he used to be engaged of and on for bringing water and that too on casual basis. He has never performed the duties of a peon.

4. In the rejoinder nothing new has been alleged.

5. Both the parties have filed documents. However, the concerned workman was given opportunity to adduce evidence on 7-8-98. The case was adjourned to 1-9-98. He was absent on 1-9-98, hence he was debarred from giving evidence. On 30-9-98 the presiding officer was on leave on 28-10-98 the workman was absent. On 18-11-98 the concerned workman appeared in person and applied for taking rejoinder on record. This request was accepted. However he did not make any request for adducing evidence. Further I find that he was negligent in pursuing the case, hence after recording the evidence of management the case was closed.

6. Thus from the above it will be seen that there is no evidence from the side of the concerned workman that he had completed 240 days in a year. On the contrary Vijay Kumar Kapoor M.W. 1 Assistant Manager of the Bank has stated that he had never performed duties as a peon. Instead some times the concerned workman was asked to supply water when there was need for it. This fact finds support from the vouchers as well filed by the management.

7. Hence, my finding is that the concerned workman was never engaged as a peon and that he had not completed 240 days in a year as such he is not entitled for benefit of section 25F of I.D. Act. As a result of above discussion my award is that the concerned workman had never worked as peon and consequently he is not entitled for any relief.

Dated : 24-11-1998

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 28 दिसम्बर, 1998

का.आ. 174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-98 को प्राप्त हुआ था।

[सं. एल-12012/257/86-डी-II (ए)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 28th December, 1998

S.O. 174.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 24-12-98.

[No. L-12012/257/86-DII(A)]

C. GANGADHARAN, Desk Officer,

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 59/87

AWARD

In the matter of dispute between :

Shri. Anil Kumar Giri,

7346, Prera Nagar, Gali No. 1, Delhi-110007.

Versus

The Manager,
Canara Bank (SS-D.C),
Hanuman Road,
Hanuman Marg,
Parliament Street, New Delhi.

APPEARANCES :

None for the workman.

Shri. Jagat Arora for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/257/86-DII(A) dated 10-7-87 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the demand of Shri Anil Kumar Giri for reinstatement in the subordinate cadre of the Canara Bank by virtue of his long engagement under the management (erstwhile) of the Laxmi Commercial Bank Ltd. is justified? If so, to what other benefits the workman entitled to?"

2. The workman filed his statement of claim in which he alleged that he had worked for a total period of 750 days in the different branches of the Lakshmi Commercial Bank. According to him he had worked from 15-7-81 to 30-9-91, 1-5-82 to 30-9-82, 1-5-83, 30-4-84 and from 1-5-84 to 30-9-84. He further stated that his termination of service was in violation of the provision of the Shastri Award as he has not been given any notice. It was also stated that the provisions of retrenchment has not been particularly Sections 25-F and G were violated in as much as no compensation was given to him and junior staff had been retained by the Bank and his services were terminated. It is stated that though he had been appointed temporarily and his services were terminated on different dates i.e. 30-9-81, 30-9-82, 30-4-84 and 30-9-82, 30-4-84 and 30-9-84. The other persons who had entered into the services of the Bank had been continued. The workman was also pleaded without so many temporary supporting staff had been regularised in the bank while he has not been given this benefit.

3. The management filed its written statement and admitted the temporary employment of the workman as a water boy in the erstwhile Lakshmi Commercial Bank. The management also admitted that by specific letters of appointment he was appointed for fixed periods from 15-7-81 to 30-9-81, 1-5-82 to 30-9-82, and thereafter from 1-5-84 to 30-9-84. The employment for the period 1-5-83 to 30-4-84 was disputed. It was stated that a casual engagement as a water boy for summer months and this casual employment would entitle him to claim regularisation or reinstatement in service. It was also pleaded that no reference has been made before the Tribunal with regarding to the termination of service and as such no relief is admissible to the workman. The casual engagement came to an automatic end by afflux of time. The workman had not completed 240 days of service to claim the benefits of Section 25F of the Industrial Disputes Act.

4. A rejoinder was filed on behalf of the workman and contentions raised by him in his claim statement were reiterated. The workman also filed an Annexure W-A showing the names of the persons who were working on temporary basis in the erstwhile Lakshmi Commercial Bank and were subsequently absorbed in the service of the said bank. The parties also led their evidence by filing their affidavit. The management examined one Shri Rattan Lal Sharma who stated that Lakshmi Commercial Bank was taken over by the present Canara Bank under a Scheme framed by the Government of India. He stated that the workman was casually engaged as a water boy for a fixed period as given in the letter of appointments. The workman had accepted the fixed term of temporary engagements for supply of water during the peak summer months and he was never engaged as a peon or a permanent employee in the erstwhile Lakshmi Commercial Bank. During the cross-examination, the letter marked 'A' which was issued by the Head Office of the Lakshmi Commercial Bank was shown to Shri Rattan Lal Sharma who said that he could not verify the signatures of the said letter. This annexure marked 'A' further show that the workman was also employed as a casual water boy for the period 1-5-83 to 30-4-84. In case this period is counted and the termination of services of the workman is taken as 30-9-84, then he would be fulfilling the requirement of working 240 days in a year thus enabling him to get the protection of Section 25F of the I.D. Act. The workman in his affidavit has affirmed about his appointment for the various period and stated that no notice or compensation etc. was given to him while terminating his services of various dates.

5. The authorised representatives of the parties were heard and written arguments submitted on the record by them have been perused by me. It is a matter of record that the Lakshmi Commercial Bank where the concerned workman was working has been taken over by the Canara Bank under the scheme framed by the Government of India under the Banking Regulation Act. The disputed period of casual engagement of the workman was available through a letter marked 'A' which was produced by the workman. The other temporary engagements were not disputed by the management. However, the fact very clearly emerges that the last date of termination i.e. 30-9-84 the workman had completed 240 days of service. The settled position in law that once workman completes 240 days of service, any termination of service by not complying with the provisions of Section 25-F would be illegal. The representatives of the workman also referred to the case of H. D. Singh vs. Reserve Bank of India 1985 Labour Industrial Cases 1733 wherein the practice of appointing the persons on temporary basis and given them break amounts to unfair labour practice. The Circular issued by the Reserve Bank of India in this case was adversely commented upon by the apex court. The authorised representative of the management on the other hand submitted that such casual temporary employees cannot claim the benefits under Section 25-F of the I.D. Act. He relied on the decision of the Supreme Court in the case of Himanshu Kumar Vidyarthi Vs. State of Bihar, AIR 1997 SC 3657 where this proposition had been accepted. To my mind the said ruling is not applicable to the fact and circumstances of the present case.

5. In view of my findings that the termination of service of the workman is illegal on account of violation of Section 25-F, the normal relief of reinstatement follows. However, in the present case, it has been pointed out by the authorised representative of the management that the reference is not with regard to the termination of service of the workman. The terms of reference itself postulates whether the demand of the workman by virtue of his engagement under the erstwhile Lakshmi Commercial Bank for reinstatement is justified. It has been seen that the present bank was not in the picture at the time when the casual employment of the workman took place. However, as per the recruitment procedure, the appointments in the Nationalised Banks are made looking to the eligibility criteria of the concerned employees. The workman has himself admitted that he was appointed for fixed temporary periods. The representative of the management has also pointed out the case of Delhi Horticulture Employees Union 1992 Vol. II LJI 452 wherein the Supreme Court has deprecated the practice of regularising the temporary employees who had completed 240 days of service merely on the grounds of violation of Section 25-F to the Act. I cannot also lose sight of the fact that this fixed employment of the workman took place in the year 1981-82 and 1984. I therefore, consider it a case where ends of justice would be met if sufficient monetary compensation is awarded to the workman in lieu of reinstatement/back wages. As per his claim statement, the workman had worked for 750 days i.e. a period of two years and I, therefore, consider that consolidated sum of Rs. 40,000 should be awarded to him as compensation. I give my award accordingly.

15th December, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 28 दिसम्बर, 1998

का.प्रा.-175-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-98 को प्राप्त हुआ था।

[सं. एल-12012/346/95-प्राई आर बी-II]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 28th December, 1998

S.O. 175.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Jodhpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 24-12-98.

[No. L-12012/346/95-IR(B-II)]

C. GANGADHARAN, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
जोधपुर

पीठासीन अधिकारी :—श्री चांदमल तोतला, आर. एच.
जे. एस.।

श्री. विवाद (केन्द्रीय) सं. :—1/1997

राजेन्द्र सिंह, मेहुता जरिये महासचिव, पंजाब नेशनल बैंक
कर्मचारी संघ केन्द्रीय कार्यालय परवाना भवन माधोबाग,
जोधपुर . . . प्रार्थी

बनाम

क्षेत्रीय प्रबन्धक, पंजाब नेशनल बैंक, ए—36, शास्त्रीनगर,
जोधपुर।

. . . अप्रार्थी

उपस्थिति :—

- (1) प्रार्थी की ओर से श्री विजय मेहुता प्रतिनिधि
- (2) अप्रार्थी की ओर से श्री पी. सी. सोनी प्रतिनिधि

अधिनियम

दिनांक 05-12-1998

श्रम विभाग, भारत सरकार की अधिसूचना संख्या एस.
12012/346/95 दिनांक 30-12-1996 से श्रमिक
कर्मचारी तथा उसके नियोजक के मध्य उत्पन्न हुआ निम्ना-
कित औद्योगिक विवाद अधिनियम हेतु इस औद्योगिक
न्यायधिकरण को प्रेषित किया गया तथा दिनांक 4-1-
1997 को नियमित औद्योगिक विवाद सं. 1/97 पंजीबद्ध
हुआ :—

“क्षेत्रीय प्रबन्धक, पंजाब नेशनल बैंक शास्त्रीनगर,
जोधपुर के द्वारा उनके कर्मकार श्री राजेन्द्रसिंह मेहुरा
को 4 दिन का प्रतिनियुक्ति भत्ता नहीं दिया जाना
उचित एवं वैध है। यदि नहीं तो श्रमिक किस
राहत का अधिकारी है?”

विवाद प्रार्थी कर्मचारी को प्रतिनियुक्ति भत्ता नहीं
दिये जाने की वैधानिकता से संबंधित है तथा प्रार्थी ने
इस भत्ते की मांग करते हुए अपने श्रम संगठन के माध्यम
से प्रस्तुत किये गये अपने मांग-पत्र में बताया है कि विपक्षी
नियोजक का वह कर्मचारी है तथा वह विपक्षी पंजाब
नेशनल बैंक के अन्तर्गत बैंक की रातानाडा कांलोनी शाखा,
जोधपुर में लिपिक के पद पर कार्यरत होकर इस श्रम
संगठन का सदस्य भी है। मांग-पत्र के अनुसार कर्मचारी
रातानाडा शाखा में नियुक्त था जब दिनांक 24-4-95
से 28-4-95 6 दिन की अवधि के लिए उसे विधि
विस्तार पाल एयरफोर्स में कार्य करने के लिए प्रतिनियुक्ति
पर भेजा गया तथा इस अवधि में कर्मचारी को 37/—
रुपये प्रतिदिन के हिसाब से केवल दो दिन का ही वाहन
भत्ता दिया गया। मांग-पत्र के अनुसार द्विपक्षीय समझौते
का तथा बैंक के परिपत्र संख्या 217 के अनुसार यह प्राव-
धान है कि प्रतिनियुक्ति पर भेजे जाने वाले कर्मचारी को
मकान से प्रतिनियुक्ति कार्यालय का वाहन भत्ता दिया
जायेगा—कि प्रार्थी छः दिन प्रतिनियुक्ति पर रहा परन्तु
उसे केवल दो दिन का ही भत्ता दिया गया तथा चार दिन
का नहीं दिया गया। इस आधार पर देने से इन्कार कर
दिया गया कि केवल प्रथम व अन्तिम दिन का ही भत्ता देय
होता है। प्रार्थी ने शेष चार दिन का भत्ता दिलाये जाने की
प्रार्थना की है।

विपक्षी नियोजक ने अपने उत्तर के अनुसार कर्मचारी को रातानाडा शाखा पर नियुक्ति के दौरान एयरफोर्स शाखा पर प्रतिनियुक्ति पर भेजा गया। परन्तु नियमों व परिपत्रों के अनुसार केवल प्रथम व अन्तिम दिन का ही भत्ता देय होता है। उत्तर के अनुसार परिपत्र संख्या 217 दिनांक 13-6-78 का गलत अर्थ लगाया गया है तथा इस परिपत्र में ऐसा कोई निर्देश नहीं है कि प्रतिदिन का वाहन व्यय दिया जायेगा बल्कि परिपत्र में केवल वाहन का प्रकार के बारे में बताया गया है। उत्तर के अनुसार कामगार कर्मचारियों को 1-11-94 से छटे द्विपक्षीय समझौते दिनांक 14-11-95 से 100/— रुपये वाहन भत्ता भी दिया जा रहा है फिर भी वाहन भत्ते का यूनियन के माध्यम से क्लेम करना पूरी तरह से निराधार है तथा कर्मचारी को यदि स्थानीय अन्य शाखा पर प्रतिनियुक्ति पर भेजा जाता है तो अलग से वाहन व्यय देना पूरी तरह से अनुचित है। उत्तर के अनुसार दिनांक 9-2-95 व 27-2-95 के परिपत्रों से इस बारे में स्थिति स्पष्ट की जा चुकी थी। मांग व्यय सहित अस्वीकार किये जाने की प्रार्थना की गई है।

विपक्षी ने अपने उत्तर में यह भी बताया है कि श्रम संगठन ऐसा मामला उठाने के लिए प्राधिकृत हो ऐसा कोई दस्तावेज प्रस्तुत नहीं हुआ है तथा यह आवेदन औद्योगिक विवाद अधिनियम के अन्तर्गत नहीं आता है। यह भी बताया गया है कि किसी भी सेवा शर्त का उल्लंघन या परिवर्तन नहीं दिया गया है।

साक्ष्य में प्रार्थी की ओर से स्वयं कर्मचारी श्री राजेन्द्र-सिंह मेहरा का शपथ-पत्र प्रस्तुत किया गया जिसमें आवेदन में अंकितानुसार बताया गया तथा विपक्षी की तरफ से प्रकाशचन्द सोनी प्रबन्धक कार्मिक का शपथ-पत्र प्रस्तुत किया गया जिसमें उत्तर के अनुसार बताया गया। शपथ-पत्रों पर प्रतिपरीक्षण हुआ।

उभय-पक्ष के तर्क सुने गये, पत्रावली का अवलोकन किया गया। विपक्षी की ओर से लिखित तर्क भी प्रस्तुत हुए जिनका भी अवलोकन किया गया।

दिनांक 13-2-76 तथा 9-2-1995, 24-2-1995 व 27-2-1995 के पत्रों की प्रतिर्लिपियाँ प्रस्तुत की गई हैं जो विवाद के निर्णय के लिए साक्ष्य/सामग्री के तौर पर माह्य है।

परिपत्रों साक्ष्य तथा प्रस्तुत किये गये तर्कों से स्पष्ट है कि प्रस्तुत मामले में विचारणीय प्रश्न यह है कि क्या प्रार्थी उसके प्रतिनियुक्ति के तमाम छः ही दिनों के लिए प्रतिदिन की दर से वाहन भत्ता प्राप्त करने का अधिकार है।

परिपत्रों तथा साक्ष्य के अनुसार जो स्थिति स्वीकृत व प्रमाणित होती है वह इस प्रकार है कि संबंधित कर्मचारी बैंक की रातानाडा शाखा पर लिपिक था उसे 24-

4-95 से 29-4-95 तक छः दिन के लिए जोधपुर की ही अन्य एयरफोर्स शाखा पर प्रतिनियुक्ति पर भेजा गया इस छः दिन की अवधि में से दो दिन का वाहन भत्ता प्रतिदिन 37/— रुपये के हिसाब से दिया गया। प्रार्थी की ओर से तर्कों के दौरान स्वीकार किया गया कि एयरफोर्स शाखा जोधपुर नगरपरिषद् सीमा में ही है अर्थात् रातानाडा व एयरफोर्स शाखा दोनों जोधपुर नगरपरिषद् सीमा में ही स्थित हैं—इस तरह से यह दोनों स्थानीय शाखाएं हैं।

प्रार्थी के अनुसार फरवरी 1976 के परिपत्र के अनुसार प्रतिदिन का वाहन भत्ता देय होता है जब कि विपक्षी के अनुसार फरवरी 1976 के परिपत्र में कहीं यह निर्देशित नहीं किया गया है कि प्रतिदिन का भत्ता देय होगा बल्कि इस परिपत्र में केवल यह बताया गया है कि किस प्रकार के वाहन का उपयोग व उसका भत्ता दिया जा सकेगा। विपक्षी की ओर से यह भी तर्क दिया गया कि उक्त फरवरी 1995 के परिपत्र से स्थिति को और भी स्पष्ट कर दिया गया है जिन परिपत्रों के बाद में अप्रैल 1995 में प्रार्थी को अन्य स्थानीय शाखा पर भेजा गया। यहां यह भी उल्लेखनीय है कि यद्यपि आवेदन में द्विपक्षीय समझौते का उल्लेख किया गया है परन्तु ऐसा कोई समझौता प्रस्तुत नहीं किया गया है अतः परिपत्रों के आधार पर निष्कर्ष लिया जाना है।

13-2-76 का पत्र नियोजक के "चीफ प्रसनल" के द्वारा जारी किया गया है तथा विवाद को देखते हुए इसका यथावत् उल्लेख कर देना अवचित है।

"PERSONNEL DIVISION CIRCULAR NO. 217
Re. Mode of local conveyance.

It has been observed by the Expenditure Control, Audit and Financial Management Department that members of the staff in the regions are being allowed conveyance expenses by different modes of conveyance and no uniform practice is being followed.

The matter has been considered and the following guidelines regarding eligibility to mode of conveyance for temporary deputation in local offices and for going to railway station/bus stand while going out of station on Bank duty have been approved :—

Subordinate Staff	.. Actual bus/Cycle rickshaw charges.
Clerical staff including Cashiers and Spl. Assts.	.. Actual bus/Cycle rickshaw/scooter charges.
Actt. and others officers below Manager rank.	.. Actual scooter charges.
Officers in the rank of Manager and above.	.. Actual taxi charges or charges of such other conveyance as is available.

However, on merit and circumstances prevailing in a particular station or case, relaxation in specific cases for availing of higher mode of conveyance and to be considered by the sanctioning authority not below the rank of Regional Manager or Divisional Chief."

Sd/-

CHIEF PERSONNEL."

9-2-95 का पत्र भी प्रसनल डिवाजनल द्वारा ही जारी किया हुआ होकर चोफ प्रसन्नल का हस्ताक्षरित है जिसके अनुसार बैंक द्वारा लोकली नियुक्त किये गये कर्मचारियों को "पेमेंट ऑफ कन्वीनियन्स" के बारे में निर्देश मांगे गये तो निर्देशित किया गया कि:-

"In this regard, we may advise you that in such situation an employee will be entitled to the local conveyance for the day he is deputed from his office of posting to another office and for the last day on which he reports back at his original place of posting. The concerned employee will not be entitled to any local conveyance for going to the office where he is deputed from his residence."

इसी तरह से 24-2-95 के पत्र में भी 9-2-95 के पत्र का उल्लेख करते हुए स्थिति स्पष्ट की गई है। 27-2-95 के पत्र के अनुसार भी निर्देश किये गये हैं कि:-

"उपरोक्त विषय में शाखाओं द्वारा हमारे कार्यालय से बार-बार यह सन्दर्भ किया जाता रहा है कि एक ही शहर की अन्य शाखा में कामगार कर्मचारियों को प्रतिनियुक्त करने पर वाहन व्यय की प्रतिपूर्ति घर से प्रतिनियुक्त वाली शाखा/कार्यालय जाने के लिये पूरी प्रतिनियुक्ति अवधि के लिए प्रतिदिन की जाती है अथवा स्थायी तैनाती की शाखा से प्रतिनियुक्त की शाखा हेतु जाने के लिए एक दिन व प्रतिनियुक्ति समाप्ति पर उक्त शाखा से वापस स्थायी तैनाती शाखा/कार्यालय तक जाने के लिये उपरोक्त विषय में प्रधान कार्यालय के स्पष्ट दिशा निर्देश जारी किया है कि यदि किसी कामगार कर्मचारी की स्थायी शाखा/कार्यालय में प्रतिनियुक्त किया जाता है तो वह प्रतिनियुक्ति के पहले एवं अन्तिम दिन स्थानीय वाहन व्यय का पात्र होगा।"

इस तरह स्पष्ट है कि फरवरी 1995 के इन पत्रों में यह अव्यधिक स्पष्ट बनाया गया है कि स्थानीय शाखा में प्रतिनियुक्ति पर केवल प्रथम व अन्तिम दिन के लिए ही वाहन भत्ता देय होगा। 13-2-76 के पत्र में विशेष तौर से व केवल मोड ऑफ कन्वीनियन्स के बारे में ही बताया गया है अर्थात् यह निर्धारित किया गया है कि किस प्रकार के वाहन का व्यय देय होगा। कहां यह नहीं बताया गया है कि ऐसे मामलों में प्रतिदिन का दिया जायगा या केवल प्रथम या अन्तिम दिन का ही दिया

जायगा। इसके अतिरिक्त यदि 13-2-76 के पत्र का किसी तरह से इस विवाद के सम्बन्ध में कर्मचारी के पक्ष में तिरस्कार देने का प्रयास किया जावे तब भी 1976 का यह पत्र फरवरी 1995 के पत्रों से संशोधित परिवर्तित हो चुका है—1976 का पत्र भी चोफ प्रसन्नल द्वारा जारी किया गया तथा फरवरी 1995 का पत्र भी चोफ प्रसन्नल द्वारा जारी किया गया है तथा जिस अधि. की खसि कि मांग की गई है वह इन परिपत्रों के बाद की अर्थात् अप्रैल, 1995 की है।

विपक्षी की ओर से यह भी तर्क दिया गया है कि इस तरह के कर्मचारियों को प्रतिमाह 100/- रुपये वाहन भत्ता दिया जाता है जो कार्यालय आने-जाने के लिए ही दिया जाता है व स्थानीय शाखा में प्रतिनियुक्ति के मामले में प्रलग से वाहन भत्ता देने का कोई औचित्य ही नहीं हो सकता क्योंकि नियमानुसार वाहन भत्ता कार्यालय आने-जाने का ही दिया जाता है। न्यायालय की राय में प्रस्तुत प्रकरण के तथ्यों व परिपत्रों को देखते हुए इस प्रश्न पर ओर विचार करने की आवश्यकता नहीं रह जाती। तदनुसार यह विवाद अधिनिर्णित होता है कि कर्मचारी श्री राजेन्द्रप्रसाद चार दिन का वाहन भत्ता प्राप्त करने का अधिकारी नहीं है।

अधिनिर्णय

श्रम विभाग, भारत सरकार की विज्ञप्ति सं. 12012/346/95 के अन्तर्गत प्रेषित विवाद इस तरह से अधिनिर्णीत किया जाता है कि क्षेत्रीय प्रबन्धक पंजाब नेशनल बैंक शास्त्रीनगर, जोधपुर द्वारा कर्मकार श्री राजेन्द्रप्रसाद मेहरा को श्रम विभाग का प्रतिनियुक्ति भत्ता नहीं दिया जाना उचित एवं वैध है। प्राचीन अग्रार्थी नियोजक से कोई राहत प्राप्त करने का अधिकारी नहीं है। इस अधिनिर्णय को प्रकाशनार्थ श्रम विभाग, भारत सरकार नई दिल्ली को प्रेषित किया जावे।

चांक्मल तोहला, न्यायाधीश

नई दिल्ली, 28 दिसम्बर, 1998

का. आ. 176 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब एवं सिन्ध बैंक के प्रबन्धतंत्र के, संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-98 को प्राप्त हुआ था।

[सं. एल.-12012/425/96-आई आर (बी-11)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 28th. December, 1998

S.O. 176.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in

the Industrial Dispute between the employers in relation to the management of Punjab & Sind Bank and their workman, which was received by the Central Government on 24-12-98.

[No. L-12012/425/96-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 32/98

In the matter of dispute between :

Shri M. S. Rama Clerk-cum-Cashier,
through The Genl. Secretary,
Punjab & Sind Bank Staff Association,
Astley Hall, Dehradun-248001.

Versus

The Zonal Manager,
Punjab & Sind Bank, Rojpur Road,
Dehradun-248001.

APPEARANCES :

Shri Anil Dangwal Asst. General Secretary for the workman.

Shri Manpreet Singh for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/425/96/IR(B-II) dated 13-1-1998 has referred the following Industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of PSB in stoppage of permanent one annual increment and recovery of amount of Rs. 1464 from the salary of Shri M. S. Rama, Clerk-cum-Cashier is just, fair and legal? If not, to what relief the workman is entitled for?"

2. The case was fixed for filing of the written statement by the management that the parties made statement that they have settled the dispute vide settlement Ex. M-1 and no dispute exists between them.

3. In view of this statement of the parties, No Dispute Award is given in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer

Memorandum of Settlement between Management of Punjab & Sind Bank, Zonal Office Meerut and PSBSA, U.P. on 22-04-1998 under ID Act 1947 Sec-10, over the victimisation of Shri M. S. Rama, Clerk B.O. Rishikesh by illegally stopping of annual increments and recovery of Rs. 1464. Representing Management

1. Shri P. S. Bindra, Zonal Manager.
2. Shri A. S. Bindra, Sr. Manager.
3. Shri S. S. Sodhi, Manager.

Representing Union

1. Shri Ranbir Singh, President.
2. Shri K. K. Gandhi, Distt. President.
3. Shri Anil Dangwal, AGS.

The above case was raised by PSBSA U.P. before A.I.C. (C) Dehradun and subsequently referred to Industrial Tribunal, Ministry of Labour New Delhi under ID Act, 1947 Sec-10.

That the first hearing in the above case took place on 6-03-1998. The Union submitted the brief case along with documents and copy submitted to the management under proper receipt. The next hearing in the case is stated for 23-04-1988 at FRI Guest House Dehradun.

Both the parties i.e. Union and the Management hereby agree to resolve the above case as under :

Management agreed with the union that stoppage of one annual increment will be treated as without cumulative effect and Shri Rama will be paid arrears accordingly. Management also agree to drop the 2nd punishment of recovery of Rs. 1464, the amount will be refunded to Shri Rama if recovered by the bank.

Hence the matter stands resolved.

This settlement comes into force with immediate effect.
P. S. Bindra K. K. Gandhi Anil Dangwal
Zonal Manager. President, DDN Unit AGS

नई दिल्ली, 30 दिसम्बर, 1998

का. घा. 177 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार देना बैंक के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलोर के प्रवाद को प्रभावित करती है, जो केन्द्रीय सरकार को 28-12-98 की प्राप्ति हुआ था।

[सं. एल.—12012/418/88—डी II (ए)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 30th December, 1998

S.O. 177.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 28-12-98.

[No. L-12012/418/88-DII(A)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated 11th December, 1998

Present :

Justice R. Ramakrishna, Presiding

C.R. NO. 31/89

I PARTY

General Secretary,
Dena Bank Employees Union,
C/o Dena Bank, K.G. Road,
BANGALORE-1.

II PARTY

The Regional Manager,
Dena Bank,
Sona Towers, 1st Floor,
71, Millers Road,
BANGALORE-52.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/418/88-DII (A) dated 28-3-89 for adjudication on the following schedule.

SCHEDULE

“Whether the action of the Management of Dena Bank in awarding the punishment of stoppage of four annual increments with cumulative effect to Shri M. Siddappa and M. Mariappa is justified? If not, to what relief are the concerned workmen entitled?”

2. The workmen Shri M. Siddappa and Shri M. Mariappa referred in the schedule were working as cashier-cum-clerk and as a attender respectively. They have been chargesheeted for cheating the bank by producing bogus leave fare concession claims which are prejudicial to the interest of the bank or gross negligence coming under 19.5(J) of the Bipartite Settlement. The management ordered for independent domestic enquiries by appointing MW-2 Shri J. K. P. Vora and M-3 Shri C. N. Anantharaman to conduct the domestic enquiry against the above workmen.

3. As it relates to Shri Siddappa the report of the enquiry officer is primarily based on the plea of guilt made by him. With regard to Shri Mariappa a detailed enquiry was conducted since he has pleaded not guilty. The disciplinary authority imposed punishment of stoppage of 4 increments in respect of Shri Siddappa and 6 increments in respect of Shri M. Mariappa. However later the six increments as it relates to Shri Mariappa was reduced to 4 increments.

4. The concerned workman have initially questioned the validity of domestic enquiry in their claim statement. The second party resisted the stand of those workman as it relates to the validity of domestic enquiry and they maintained that the enquiry was conducted in accordance with law by observing principles of natural justice.

5. To prove the validity of domestic enquiry the second party examined almost 5 witnesses as MW-1 to M-5, they have been extensively cross-examined. Both workman have examined themselves as WW-1 and WW-2. The validity of domestic enquiry was decided by an order dated 30-11-1992. The finding of this tribunal on this preliminary point is that the domestic enquiry as it relates to Shri Siddappa does not enquired to be considered in view of the said Siddappa pleaded guilty before the enquiry officer. But as it relates to Mariappa this tribunal gave a finding against the management and asked them to prove the misconduct independently. There appears

to be no interest. evinced by the second party to place independent evidence. This may be due to the fact this tribunal by an order dated 19-7-94 allowed an application, I.A. No. 8 filed by Shri Mariappa to restore 4 annual increments which have been stopped with cumulative effect in view of the order made against domestic enquiry. This tribunal directed the second party to release the increments which are withheld to Mariappa and to pay him the arrears also. Therefore as it relates to Mariappa it is concluded that the management was not justified in stoppage of 4 annual increments.

6. Now the real exercise begins, both these workmen have similarly placed with regard to misconduct committed by them. The allegation of charge against Siddappa was that he drew advance amount of Rs. 1,875/- towards leave the concession claim. After submitting a bogus claim with a receipt, he claimed Rs. 2,795/- without undertaking the journey. The charge against Mariappa was also for making a claim of Rs. 2,975/- in similar circumstances.

7. The workman Siddappa who pleaded guilty before the enquiry officer has made a very reasonable appeals to the disciplinary authority and the appellate authority that the stoppage of 4 increments is disproportionate, as he has already refunded the amount taken by him in this regard. His specific contention before the authorities was that under paragraph 19.6 of the Bipartite Settlement 5 mode of punishment envisaged and one such punishment is stoppage of increment with cumulative effect. His further contention was that he having accepted his guilt it was necessary to take this point into consideration and he would have been awarded a censure or warning.

8. But however taking into consideration the plight of this workman and also his colleague is allowed to enjoy the increments stopped in his favour due to technical flaw committed by the management, the punishment of stoppage of 4 increments is substituted by imposing a punishment of stoppage of one increment with cumulative effect. The second party are directed to take this into consideration and make necessary payment as it relates to 3 increments.

9. In the result this reference is accepted. As it relates to Mariappa the action of the management wherein the punishment of stoppage of 4 annual increments is set aside. As it relates to Siddappa the punishment of stoppage of 4 annual increments is substituted for the stoppage of one annual increment with cumulative effect only.

(Dictated to the stenographer, transcribed by her, corrected and signed by me on 11th December, 1998.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1998

का. आ. 178.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबन्धन के संवाद नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

बैंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सत्ता का 28-12-98 को प्राप्त हुआ था।

[सं. एल.-12012/323/95-आई आर (बी.-II)]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 30th December, 1998

S.O. 178.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 28-12-98.

[No. L-12012/323/95-IR (B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated 4th December, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C. R. NO. 204/97

I PARTY

The Asstt. Secretary,
All India Bank of Maharashtra
Employees Federation, No. 22/8,
E.A.T. Street, Basavanagudi,
BANGALORE-4.

II PARTY

The Asstt. General Manager,
Bank of Maharashtra, No. 15
Police Station Road,
Basavanagudi,
BANGALORE-4.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/323/95-IR BII dated 4-3-97 for adjudication on the following schedule.

SCHEDULE

"Whether the Management of Bank of Maharashtra is justified in denying the allowance carrying post of cashier to Smt. Nirmala on the ground that she had given a conditional willingness? If not, to what relief is the said employee entitled?"

2. The cause of the workman is espoused by the Assistant Secretary as described in the cause title. It is specifically stated at para 3 of the claim statement that the first party (Union) is a registered and recognised Trade Union. It has not substantial

number of members from the employees of the second party. It is also further contended that the union is negotiating with the management, in regard to various service conditions including the pay structures and allowances applicable to the employees. Since Mrs. M. Nirmala is a member of the first party union they have espoused her cause.

3. The union strongly contended that a cashier-in-charge of Gandhinagar branch relinquished the post of permanent cashier this has led to the creation of a permanent vacancy, when the offer was given to Mrs. M. Nirmala of City Market Branch she relinquished the allowance carrying post on a permanent basis. However Mrs. Nirmala lost allowance carrying post of cashier-in-charge. It comes to Rs. 227/- which attracts Dearness Allowance also as per VI Bipartite Settlement. After the union has failed in its attempt to get this allowance they raised a conciliation and the matter is referred to this tribunal.

4. The second party representative at the time of filing counter statement brought to the notice of this tribunal that the parties are intending to settle this matter by proper negotiation. Subsequently the union represented by the Assistant Secretary and the Management represented by the Assistant General Manager have filed a Joint Settlement.

5. They have stated they have reached an amicable resolution and both parties have consented to the following proposition for immediate implementation:

1. (a) Mrs. M. Nirmala, II Cashier, Bank of Maharashtra, City Market Branch, Bangalore shall be given a letter of "Officer" by II party to any higher-allowance carrying permanent post in Bangalore Centre, which is newly created or recently vacant i.e. prospectively, with a mention of specific branch and post.

(b) In case of her unconditional acceptance to this offer, she will be allotted the related post with prospective effect only.

2. There shall be no claim for the past period or attendant benefits whatsoever from Mrs. M. Nirmala her Union i.e. I Party (BOMEU-AIBOMEF), when once she is given offer as specified under (1) above.

3. I Party union further undertakes not to raise any other claim whatsoever in respect of any other member of them, in regard to matter decided in this specific case.

4. II Party Bank (i.e. Management of Bank of Maharashtra) equally reserves its right to review and rectify, if so required, whenever the merit of a given bonafide situation warrants a suitable remedy, in the interest of any workman whatsoever but without detriment to the position and interest of existing seniors in the cadre.

6. The parties who subscribed their respective signatures have accepted the settlement before this tribunal.

7. At this stage one Mr. B. Y. Patil, Regional Secretary of Bank of Maharashtra Karmachari Samah, Bangalore Region announced and opposed this settlement. When this tribunal asked his loco-standi he

filed a written representation that before passing an award in the case of Mrs. Nirmala there are two interested parties by name Shri M. K. Ananthashayana and Shri T. Ramakrishnaiah, and therefore they shall be heard in the matter.

8. Initially this letter does not disclose how a settlement reached between the management and one individual affects the other employees. The case of Mrs. Nirmala is an independent entity and any award passed safeguard the interest of an individual and it does not affect the right of other workman; if they have any bargaining power to fulfil their demands. Therefore this intervention of Regional Secretary is legally untenable. Therefore they are not allowed to intervene in this dispute. If they have any right they can exercise independently.

9. It is no doubt true that the parties have side-tracked in the settlement which does not satisfy the question risen in the schedule to reference. But if the first party gives up her claim for a better offer it is her right to accept. This does not deprive the other incumbents to make the demand.

10. Since the parties have settled their issues in a manner beneficial to them taking into consideration Sec. 18 of Industrial Disputes Act the settlement is accepted.

11. Consequent to this acceptance the reference is allowed in terms of settlement on the terms which are incorporated in the body of this award.

(Dictated to the stenographer, transcribed by her, corrected and signed by me on 4th December, 1998, Encl. 1).

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1998

क्र. सं. 179.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुवाद में निरदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलूर के फॉर्मेट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-98 को प्राप्त हुआ था।

[सं. एन.-12012/266/95-आई आर (बी.-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 30th December, 1998

S.O. 179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 28-12-1998.

[No. L-12012/266/95-IR(B-II)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated 10th December, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 44/94

I PARTY

The President,
Dena Bank Staff Union,
C/o Dena Bank Zonal Office,
71, Millers Road,
Bangalore-52.

II PARTY

The Zonal Manager,
Zonal Office,
71, Millers Road,
Bangalore-52.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/266/95-IR(B-II) dated 27-4-94 for adjudication on the following schedule:

SCHEDULE

"Whether the demand of Dena Bank Staff Union, Bangalore on the management of Dena Bank, Bangalore for regularisation of services of Shri Venkatappa as Driver is justified? If, so what relief is Shri Venkatappa entitled to?"

The schedule to the reference placed the burden of proof to the first party union. They have filed the claim statement that the workman is a driver whose service are taken by the second party during September, 1989. He has been paid regular salary and he is discharging the duty as a regular driver. His representations to the management to regularise his services till the last representation dated 15-5-1992 was not considered by the second party. His contention is that keeping an employee on temporary basis for years without regularising his service amount to depriving the status and privileges of permanent workman is an unfair labour practice. Therefore he has prayed for an award that his regularisation is necessary.

The second party have not filed their counter statement. In fact their application to set aside the ex-parte order dated 7-5-96 is still pending.

There was dislocation of work in this tribunal for about 10 months. Therefore this tribunal issued notices to both parties under RPAD to appear and continue the case. Though they have received the notice, vide acknowledgements, they did not appear.

Since their burden is heavily placed on the first party and they having failed to discharge that burden by examining the concerned workman this tribunal cannot pass an award in his favour in the absence of the evidence. The pleadings cannot be taken the place of evidence.

Consequently the reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1998

क्रा. भा. 180.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार मिडिकेट बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-98 को प्राप्त हुआ था।

[सं. एन.-12011/22/94-आई आर (बी-II)]
मी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 30th December, 1998

S.O. 180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 28-12-1998.

[No. L-12011/22/94-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated 8th December, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 78/94

I PARTY

General Secretary,
Syndicate Bank Emp. Assn.,
No. 165, Maruthi Galli,
Bangalore-1.

II PARTY

Dy. General Manager,
Syndicate Bank, Z.O.,
Gandhinagar,
Bangalore-9.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12011/22/94-IR(B-II) dt. 11-10-94 for adjudication on the following schedule.

SCHEDULE

"Whether the demand of the Syndicate Bank Employees Association (Belgaum) on the management of Syndicate Bank, Bangalore for payment of halting allowance to the following four workmen for the period from 2-9-91 to 14-9-91 is justified? If so, what relief are the said workmen entitled to?"

1. Shri N. R. Rangashamiah.
2. Shri G. N. Jayasimha
3. Ms. Uma.
4. Shri Chikkahanumathiah.

The reference is dated 11-10-94. The notice to the General Secretary who represents the concerned workmen was served with ordinary notice and later by RPAD. Though he acknowledged the notice he has failed to appear and virtually prevented this tribunal to make any progress in this case. The obvious conclusion is that the reference was spent itself.

In the above circumstances the reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1998

क्रा. भा. 181.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार केनरा बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-98 को प्राप्त हुआ था।

[सं. एन.-12011/63/96-आई आर (बी-II)]
मी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 30th December, 1998

S.O. 181.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 28-12-1998.

[No. L-12011/63/96-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated 3rd December, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 9/98

I PARTY

The Asst. Secretary,
Central Bank Staff Union,
Triveni Compound,
Near Capitanio High School,
Kankandy Post,
Bangalore-575002.

II PARTY

The Dy. General Manager,
Canara Bank,
Circle Office,
Light House,
Hill Road,
Mangalore-575001.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12011/63/96-IR(B-II) dt. 8-1-98 for adjudication on the following schedule.

SCHEDULE

"Whether the action of the management of Canara Bank in not absorbing Shri B. S. Nagappa and others from 28-9-95 is legal and justified? If not to what relief they are entitled?"

This reference is rejected as the same does not survive for adjudication in view of the fact the Government has referred the same dispute between the same parties earlier which was registered in C.R. No. 231/97.

Therefore the reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1998

का. आ. 182 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कॉर्पोरेशन बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-98 को प्राप्त हुआ था।

[सं. एल.-12012/61/95-आई आर (बी.-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 30th December, 1998

S.O. 182.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Corporation Bank and their workman, which was received by the Central Government on 28-12-1998.

[No. L-12012/61/95-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated 3rd December, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 64/97

I PARTY

Secretary,
Shimoga Dist. Bank Emp. Federation,
C/o State Bank of Mysore,
Ravindra Nagar,
Shimoga.

II PARTY

The Mg. Director,
Corporation Bank H.O.,
Mangalore-575001.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial disputes Act, 1947 has referred this dispute vide Order No. L-12012/61/95-IR(B-II) dt. 26-7-95 for adjudication on the following schedule.

SCHEDULE

"Whether the demand of the Shimoga Dist. Bank Emp. Assn. Shimoga on the management of Corporation Bank, Mangalore, for absorption of Shri N. Mallikarjunaiah, Casual Attender as permanent sub-staff particularly in view of the 'Approach' Paper, circulated by the Ministry of Finance in 1990 is justified? If so, what relief is the said workman entitled to?"

The first party who has to discharge the burden of proof has not appeared after the receipt of the ordinary notice from this tribunal. The notice under RPAD was duly served, but he is unrepresented. The first party acknowledged the receipt of the notice who is the Secretary of the Federation who espoused the cause of the workman. The first party also failed to comply the statutory obligation under Rule 10B to file his claim statement within 15 days from the receipt of the reference which is of the year 1995.

Therefore it is presumed that the first party has no interest in this dispute. Consequently the reference is rejected.

(Dictated to the stenographer, transcribed by her, corrected and signed by me on 3rd December, 1998).

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1998

का. आ. 183. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिग्रहण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-98 को प्राप्त हुआ था।

[मं. एल.-12012/183/95-आई आर (बी.-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 30th December, 1998

S.O. 183.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 28-12-98.

[No. L-12012/183/95-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE.

Dated 8th December, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 185/97

I PARTY :

The General Secretary
Dena Bank Staff Union
C/o Dena Bank, Sona Towers
71, Millers Road,
Bangalore-52.

II PARTY :

The Regional Manager
Dena Bank, Sona Towers
71, Millers Road,
Bangalore-52.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/183/95 dt. 26-11-96 for adjudication on the following schedule.

SCHEDULE

"Whether the management of Dena Bank, Bangalore is justified in denying the posting as Cashier at Brigade Road, branch, Bangalore to Shri Subramanya Kukka?"

If not, what relief the workman is entitled to ?

The ordinary notice issued by this tribunal was duly served to both parties, but they have not appeared. The notice was sent by READ. Both Parties acknowledged the receipt of the notice through acknowledgement but again they remained absent.

The first party who has raised this dispute has failed to appear and file the claim statement.

It is unfortunate the General Secretary who espoused the cause of the workman is showing want respect to the court. He is also not justified in raising a dispute of this nature through which he has wasted the valuable time of several agencies including the court.

In the above circumstances the reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1998

का. घा. 184.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिन्डिकेट बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-98 को प्राप्त हुआ था।

[सं. एल.-12012/203/96-आई०आर०(बी.-II)]
सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 30th December, 1998

S.O. 184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 28-12-98.

[No. L-12012/203/96-IR(B-II)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE.

Dated 4th December, 1998

PRESENT:

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 254/97

I PARTY :

The State Secretary
Syndicate Bank Staff Union
G-7 Manish Towers,
J. C. Road, Bangalore-2.

II PARTY :

The General Manager (P)
Syndicate Bank (H. O.)
Manipal-576119.

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act 1947 has referred this dispute vide Order No. L-12012/203/96-IR(B-II), dated 16-7-97 for adjudication on the following schedule.

SCHEDULE

"Whether the management of Syndicate Bank is justified in imposing the punishment of stoppage of two increments without cumulative effect on Shri B. S. Sathya Murthy on the grounds of commission of gross misconduct ? If not, to what relief the workman is entitled ?"

This reference is of the year 1997. The ordinary notice issued to the parties are served. The second party bank is represented by its officer. Since the first party not appeared a notice under READ was issued. The first party acknowledged the receipt of the notice. It is to be noted that the concerned workman is represented by the State Secretary, Syndicate Bank Staff Union. The State Secretary and the concerned workman have failed to comply Rule 10B of the Industrial Disputes (Central) Rules, 1957 as they have failed to file their claim statement well in time. In addition to this they have not cared to appear before this tribunal and file the claim statement which is the foundation to proceed further.

In view of these circumstances the reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1998

45/3, Residency Cross Road,
P.B. No. 2543,
Bangalore-25.

का. आ. 185.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कॉर्पोरेशन बैंक के प्रबन्धसूचक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-98 को प्राप्त हुआ था।

[सं. एल-12012/255/94-आई आर (बी-II)]
सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 30th December, 1998

S.O. 185.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Corporation Bank and their workman, which was received by the Central Government on 28-12-98.

[No. L-12012/255/94-IR(B-II)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated 30th November, 1998

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 22/97

I PARTY :

The Jt. Secretary
Corporation Bank Employees
Union, H-5, Manish Towers
84-7th floor, J.C. Road,
Bangalore-2.

II PARTY :

The Asst. General Manager
Corporation Bank,

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 20 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/255/94-IR (B-II) dt. 10-2-95 for adjudication on the following schedule.

SCHEDULE

"Whether the action of the management of Corporation Bank, Bangalore in imposing the punishment of reduction of basic pay to the next lower stage for a period of one year on Shri B. Prabhakara Prabhu, Spl. Asst. vide their order dt. 11-11-91 is legal and justified? If not, to what relief is the said workman entitled?"

The ordinary notice was issued to both parties in the year 1997 was duly served. One Mr. K.D.H. a learned advocate filed vakalatnama for the first party. The second party also represented by an advocate vide vakalatnama dt. 26-8-97. After this vakalatnama the first party has not filed claim statement for a period of one year. Due to dislocation of work in this tribunal and also due to unfortuate situation where the advocates who have filed vakalatnamas are failed to appear to plead the cause of their clients. Fresh notice under RPAD was issued to both parties. The second party took notice and appeared. The union who espoused the cause of the workman has received the notice but not cared to appear before this tribunal.

The dispute is of the year 1995. In view of these circumstances the reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

